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FOREWORD

Up to the present the journal of the Institute of Social Research has been published, three times a year, in Paris, by the *Librairie Félix Alcan*. The articles and reviews for both the third section of the 1939 volume and the first section of the 1940 volume are in the hands of the French printers who, in May, were still promising us that the journal would be published as usual. But because of what has happened since then, we must now assume that neither the *Librairie Félix Alcan* nor the printers—the *Presses Universitaires de France*—will be in a position to fulfil their promise in the near future.

We have, consequently, decided to publish the third section of the 1939 volume in America. In any case, most of the contributors made this country their new home some years ago. We did not previously publish the journal in America largely because for the last eight years most of our readers have been Europeans. As most of the contributions were printed in German, the journal fulfilled its own special purpose; philosophic and scientific traditions which could no longer be pursued in Germany were continued here in their native language. The actual language in which articles are published is not without influence on the contents of the thought. Both our Institute and the publishers hoped, therefore, to help science by enabling authors to write in their own tongue. But this consideration must now be secondary to our desire to devote our work—even in its external form—to American social life.

Philosophy, art and science have lost their home in most of Europe. England is now fighting desperately against the domination of the totalitarian states. America, especially the United States, is the only continent in which the continuation of scientific life is possible. Within the framework of this country's democratic institutions, culture still enjoys the freedom without which, we believe, it is unable to exist. In publishing our journal in its new form we wish to give this belief its concrete expression.

MAX HORKHEIMER.

New York City, July, 1940.

The Social Function of Philosophy.

By Max Horkheimer.

When the words physics, chemistry, medicine, or history are mentioned in a conversation, the participants usually have something very definite in mind. Should any difference of opinion arise, we could consult an encyclopaedia or accepted textbook or turn to one or more outstanding specialists in the field in question. The definition of any one of these sciences derives immediately from its place in present day society. Though these sciences may make the greatest advances in the future, though it is even conceivable that several of them, physics and chemistry for example, may some day be merged, no one is really interested in defining these concepts in any other way than by reference to the scientific activities now being carried on under such headings.

It is different with philosophy. Suppose we ask a professor of philosophy what philosophy is. If we are lucky and happen to find a specialist who is not averse to definitions in general, he will give us one. If we then adopt this definition, we should probably soon discover that it is by no means the universally accepted meaning of the word. We might then appeal to other authorities, and pore over textbooks, modern and old. The confusion would only increase. Many thinkers, accepting Plato and Kant as their authorities, regard philosophy as an exact science in its own right, with its own field and subject matter. In our epoch this conception is chiefly represented by the late Edmund Husserl. Other thinkers, like Ernst Mach, conceive philosophy as the critical elaboration and synthesis of the special sciences into a unified whole. Bertrand Russell, too, holds that the task of philosophy is "that of logical analysis, followed by logical synthesis."[1]) He thus fully agrees with L. T. Hobhouse, who declares that "Philosophy . . . has a synthesis of the sciences as its goal."[2]) This conception goes back to Auguste Comte and Herbert Spencer, for whom philosophy constituted the total system of human knowl-

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[1]) Bertrand Russell, Logical atomism, in: *Contemporary British Philosophy*, ed. by J. H. Muirhead, I, 1925, p. 379.

[2]) L. T. Hobhouse, The philosophy of development, in: *Contemporary British Philosophy*, ed. by J. H. Muirhead, I, 1925, p. 152.

edge. Philosophy, therefore, is an independent science for some, a subsidiary or auxiliary discipline for others.

If most writers of philosophical works agree on the scientific character of philosophy, a few, but by no means the worst, have emphatically denied it. For the German poet Schiller, whose philosophical essays have had an influence perhaps even more profound than his dramas, the purpose of philosophy was to bring aesthetic order into our thoughts and actions. Beauty was the criterion of its results. Other poets, like Hölderlin and Novalis, held a similar position, and even pure philosophers, Schelling for instance, came very close to it in some of their formulations. Henri Bergson, at any rate, insists that philosophy is closely related to art, and is not a science.

As if the different views on the general character of philosophy were not enough, we also find the most diverse notions about its content and its methods. There are still some thinkers who hold that philosophy is concerned exclusively with the highest concepts and laws of Being, and ultimately with the cognition of God. This is true of the Aristotelian and Neo-Thomist schools. Then there is the related view that philosophy deals with the so-called *a priori.* Alexander describes philosophy as "the experiential or empirical study of the non-empirical or *a priori,* and of such questions as arise out of the relation of the empirical to the *a priori*" (space, time and deity).[1]) Others, who derive from the English sensualists and the German school of Fries and Apelt, conceive of it as the science of inner experience. According to logical empiricists like Carnap, philosophy is concerned essentially with scientific language; according to the school of Windelband and Rickert (another school with many American followers), it deals with universal values, above all with truth, beauty, goodness, and holiness.

Finally, everyone knows that there is no agreement in method. The neo-Kantians all believe that the procedure of philosophy must consist in the analysis of concepts and their reduction to the ultimate elements of cognition. Bergson and Max Scheler consider intuition *("Wesensschau, Wesenserschauung")* to be the decisive philosophical act. The phenomenological method of Husserl and Heidegger is flatly opposed to the empirio-criticism of Mach and Avenarius. The logistic of Bertrand Russell, Whitehead, and their followers, is the avowed enemy of the dialectic of Hegel. The kind of philosophizing one prefers depends, according to William James, on one's character and experience.

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[1]) S. Alexander, *Space, Time and Deity,* vol. I, 1920, p. 4.

These definitions have been mentioned in order to indicate that the situation in philosophy is not the same as in other intellectual pursuits. No matter how many points of dispute there may be in those fields, at least the general line of their intellectual work is universally recognized. The prominent representatives more or less agree on subject matter and methods. In philosophy, however, refutation of one school by another usually involves complete rejection, the negation of the substance of its work as fundamentally false. This attitude is not shared by all schools, of course. A dialectical philosophy, for example, in keeping with its principles, will tend to extract the relative truths of the individual points of view and introduce them in its own comprehensive theory. Other philosophical doctrines, such as modern positivism, have less elastic principles, and they simply exclude from the realm of knowledge a very large part of the philosophical literature, especially the great systems of the past. In short, it cannot be taken for granted that anyone who uses the term "philosophy" shares with his audience more than a few very vague conceptions.

The individual sciences apply themselves to problems which must be treated because they arise out of the life process of present day society. Both the individual problems and their allotment to specific disciplines derive, in the last analysis, from the needs of mankind in its past and present forms of organization. This does not mean that every single scientific investigation satisfies some urgent need. Many scientific undertakings produced results that mankind could easily do without. Science is no exception to that misapplication of energy which we observe in every sphere of cultural life. The development of branches of science which have only a dubious practical value for the immediate present is, however, part of that expenditure of human labor which is one of the necessary conditions of scientific and technological progress. We should remember that certain branches of mathematics, which appeared to be mere playthings at first, later turned out to be extraordinarily useful. Thus, though there are scientific undertakings which can lead to no immediate use, all of them have some potential applicability within the given social reality, remote and vague as it may be. By its very nature, the work of the scientist is capable of enriching life in its present form. His fields of activity are therefore largely marked out for him, and the attempts to alter the boundaries between the several domains of science, to develop new disciplines, as well as continuously to differentiate and integrate them, are always guided by social need, whether consciously or not. This need is also operative, though indirectly, in the laboratories and lecture halls of the university, not to men-

tion the chemical laboratories and statistical departments of large industrial enterprises and in the hospitals.

Philosophy has no such guide. Naturally, many desires play upon it; it is expected to find solutions for problems which the sciences either do not deal with or treat unsatisfactorily. But the practice of social life offers no criterion for philosophy; philosophy can point to no successes. Insofar as individual philosophers occasionally do offer something in this respect, it is a matter of services which are not specifically philosophical. We have, for example, the mathematical discoveries of Descartes and Leibniz, the psychological researches of Hume, the physical theories of Ernst Mach, and so forth. The opponents of philosophy also say that insofar as it has value, it is not philosophy but positive science. Everything else in philosophical systems is mere talk, they claim, occasionally stimulating, but usually boring and always useless. Philosophers, on the other hand, show a certain obstinate disregard for the verdict of the outside world. Ever since the trial of Socrates, it has been clear that they have a strained relationship with reality as it is, and especially with the community in which they live. The tension sometimes takes the form of open persecution; at other times merely failure to understand their language. They must live in hiding, physically or intellectually. Scientists, too, have come into conflict with the societies of their time. But here we must resume the distinction between the philosophical and the scientific elements of which we have already spoken, and reverse the picture, because the reasons for the persecution usually lay in the philosophical views of these thinkers, not in their scientific theories. Galileo's bitter persecutors among the Jesuits admitted that he would have been free to publish his heliocentric theory if he had placed it in the proper philosophical and theological context. Albertus Magnus himself discussed the heliocentric theory in his *Summa,* and he was never attacked for it. Furthermore, the conflict between scientists and society, at least in modern times, is not concerned with fundamentals but only with individual doctrines, not tolerated by this or that authority in one country at one time, tolerated and even celebrated in some other country at the same time or soon afterwards.

The opposition of philosophy to reality arises from its principles. Philosophy insists that the actions and aims of man must not be the product of blind necessity. Neither the concepts of science nor the form of social life, neither the prevailing way of thinking nor the prevailing mores should be accepted by custom and practised uncritically. Philosophy has set itself against mere tradition and resignation in the decisive problems of existence, and it has shouldered

the unpleasant task of throwing the light of consciousness even upon those human relations and modes of reaction which have become so deeply rooted that they seem natural, immutable, and eternal. One could reply that the sciences, too, and particularly their inventions and technological changes, save mankind from the deep-worn grooves of habit. When we compare present day life with that thirty, fifty, or a hundred years ago, we cannot truthfully accept the notion that the sciences have not disturbed human habits and customs. Not only industry and transportation, but even art, has been rationalized. A single illustration will suffice. In former years a playwright would work out his individual conception of human problems in the seclusion of his personal life. When his work finally reached the public, he thereby exposed his world of ideas to conflict with the existing world and thus contributed to the development of his own mind and of the social mind as well. But today both the production and reception of works of art on the screen and the radio have been completely rationalized. Movies are not prepared in a quiet studio; a whole staff of experts is engaged. And from the outset the goal is not harmony with some idea, but harmony with the current views of the public, with the general taste, carefully examined and calculated beforehand by these experts. If, sometimes, the pattern of an artistic product does not harmonize with public opinion, the fault usually does not lie in an intrinsic disagreement, but in an incorrect estimate by the producers of the reaction of public and press. This much is certain: no sphere of industry, either material or intellectual, is ever in a state of complete stability; customs have no time in which to settle down. The foundations of present day society are constantly shifting through the intervention of science. There is hardly an activity in business or in government which thought is not constantly engaged in simplifying and improving.

But if we probe a little deeper, we discover that despite all these manifestations, man's way of thinking and acting is not progressing as much as one might be led to believe. On the contrary, the principles now underlying the actions of men, at least in a large portion of the world, are certainly more mechanical than in other periods when they were grounded in living consciousness and conviction. Technological progress has helped make it even easier to cement old illusions more firmly, and to introduce new ones into the minds of men without interference from reason. It is the very diffusion and industrialization of cultural institutions which cause significant factors of intellectual growth to decline and even disappear, because of shallowness of content, dullness of the intellectual organs, and elimination of some of man's individualistic creative powers. In

recent decades, this dual aspect of the triumphal procession of science and technology has been repeatedly noted by both romantic and progressive thinkers. The French writer Paul Valéry has recently formulated the situation with particular cogency. He relates how he was taken to the theater as a child to see a fantasy in which a young man was pursued by an evil spirit who used every sort of devilish device to frighten him and make him do his bidding. When he lay in bed at night, the evil spirit surrounded him with hellish fiends and flames; suddenly his room would become an ocean and the bedspread a sail. No sooner did one ghost disappear, than a new one arrived. After a while these horrors ceased to affect the little boy, and finally, when a new one began, he exclaimed: Voilà les bêtises qui recommencent! (Here comes some more of that nonsense!) Some day, Valéry concludes, mankind might react in the same way to the discoveries of science and the marvels of technology.

Not all philosophers, and we least of all, share Paul Valéry's pessimistic conception of scientific progress. But it is true that neither the achievements of science by themselves, nor the advance in industrial method, are immediately identical with the real progress of mankind. It is obvious that man may be materially, emotionally, and intellectually impoverished at decisive points despite the progress of science and industry. Science and technology are only elements in an existing social totality, and it is quite possible that, despite all their achievements, other factors, even the totality itself, could be moving backwards, that man could become increasingly stunted and unhappy, that the individual could be ruined and nations headed toward disaster. We are fortunate that we live in a country which has done away with national boundaries and war situations over half a continent. But in Europe, while the means of communication became more rapid and complete, while distances decreased, while the habits of life became more and more alike, tariff walls grew higher and higher, nations feverishly piled up armaments, and both foreign relations and internal political conditions approached and eventually arrived at a state of war. This antagonistic situation asserts itself in other parts of the world, too, and who knows whether, and for how long, the remainder of the world will be able to protect itself against the consequences in all their intensity. Rationalism in details can readily go with a general irrationalism. Actions of individuals, correctly regarded as reasonable and useful in daily life, may spell waste and even destruction for society. That is why in periods like ours, we must remember that the best will to create something useful may result in its opposite, simply because it is blind to what lies beyond the limits of its scientific specialty or pro-

fession, because it focuses on what is nearest at hand and misconstrues its true nature, for the latter can be revealed only in the larger context. In the New Testament, "They know not what they do" refers only to evildoers. If these words are not to apply to all mankind, thought must be not merely confined within the special sciences and to the practical learning of the professions, thought which investigates the material and intellectual presuppositions that are usually taken for granted, thought which impregnates with human purpose those relationships of daily life that are almost blindly created and maintained.

When it was said that the tension between philosophy and reality is fundamental, unlike the occasional difficulties against which science must struggle in social life, this referred to the tendency embodied in philosophy, not to put an end to thought, and to exercise particular control over all those factors of life which are generally held to be fixed, unconquerable forces or eternal laws. This was precisely the issue in the trial of Socrates. Against the demand for submission to the customs protected by the gods and unquestioning adaptation to the traditional forms of life, Socrates asserted the principle that man should know what he does, and shape his own destiny. His god dwells within him, that is to say, in his own reason and will. Today the conflicts in philosophy no longer appear as struggles over gods, but the situation of the world is no less critical. We should indeed be accepting the present situation if we were to maintain that reason and reality have been reconciled, and that man's autonomy was assured within this society. The original function of philosophy is still very relevant.

It may not be incorrect to suppose that these are the reasons why discussions within philosophy, and even discussions about the concept of philosophy, are so much more radical and unconciliatory than discussions in the sciences. Unlike any other pursuit, philosophy does not have a field of action marked out for it within the given order. This order of life, with its hierarchy of values, is itself a problem for philosophy. While science is still able to refer to given data which point the way for it, philosophy must fall back upon itself, upon its own theoretical activity. The determination of its object falls within its own program much more than is the case with the special sciences, even today when the latter are so deeply engrossed with problems of theory and methodology. Our analysis also gives us an insight into the reason why philosophy has received so much more attention in European life than in America. The geographical expansion and historical development have made it possible for certain social conflicts, which have flared up repeatedly and

sharply in Europe because of the existing relationships, to decline in significance in this continent under the strain of opening up the country and of performing the daily tasks. The basic problems of societal life found a temporary practical solution, and so the tensions which give rise to theoretical thought in specific historical situations, never became so important. In this country, theoretical thought usually lags far behind the determination and accumulation of facts. Whether that kind of activity still satisfies the demands which are justly made upon knowledge in this country too, is a problem which we do not have the time to discuss now.

It is true that the definitions of many modern authors, some of which have already been cited, hardly reveal that character of philosophy which distinguishes it from all the special sciences. Many philosophers throw envious glances at their colleagues in other faculties who are much better off because they have a well marked field of work, whose fruitfulness for society cannot be questioned. These authors struggle to "sell" philosophy as a particular kind of science, or at least, to prove that it is very useful for the special sciences. Presented in this way, philosophy is no longer the critic, but the servant of science and the social forms in general. Such an attitude is a confession that thought which transcends the prevailing forms of scientific activity, and thus transcends the horizon of contemporary society, is impossible. Thought should rather be content to accept the tasks set for it by the ever renewed needs of government and industry, and to deal with these tasks in the form in which they are received. The extent to which the form and content of these tasks are the correct ones for mankind at the present historical moment, the question whether the social organization in which they arise is still suitable for mankind—such problems are neither scientific nor philosophical in the eyes of those humble philosophers; they are matters for personal decision, for subjective evaluation by the individual who has surrendered to his taste and temper. The only philosophical position which can be recognized in such a conception is the negative doctrine that there really is no philosophy, that systematic thought must retire at the decisive moments of life, in short, philosophical skepticism and nihilism.

Before proceeding further, it is necessary to distinguish the conception of the social function of philosophy presented here from another view, best represented in several branches of modern sociology, which identifies philosophy with one general social function, namely ideology.[1]) This view maintains that philosophical thought, or more

[1]) Cf. Karl Mannheim, *Ideology and Utopia*, London 1937.

correctly, thought as such, is merely the expression of a specific social situation. Every social group—the German Junkers, for example—develops a conceptual apparatus, certain methods of thought and a specific style of thought adapted to its social position. For centuries the life of the Junkers has been associated with a specific order of succession; their relationship to the princely dynasty upon which they were dependent and to their own servants had patriarchal features. Consequently, they tended to base their whole thought on the forms of the organic, the ordered succession of generations, on biological growth. Everything appeared under the aspect of the organism and natural ties. The liberal bourgeoisie, on the other hand, whose happiness and unhappiness depend upon business success, whose experience has taught them that everything must be reduced to the common denominator of money, have developed a more abstract, more mechanistic way of thinking. Not hierarchical but levelling tendencies are characteristic of their intellectual style, of their philosophy. The same approach applies to other groups, past and present. With the philosophy of Descartes, for example, we must ask whether his notions corresponded to the aristocratic and Jesuit groups of the court, or to the noblesse de robe, or to the lower bourgeoisie and the masses. Every pattern of thought, every philosophical or other cultural work, belongs to a specific social group, with which it originates and with whose existence it is bound up. Every pattern of thought is "ideology."

There can be no doubt that there is some truth in this attitude. Many ideas prevalent today are revealed to be mere illusions when we consider them from the point of view of their social basis. But it is not enough merely to correlate these ideas with some one social group, as that sociological school does. We must penetrate deeper and develop them out of the decisive historical process from which the social groups themselves are to be explained. Let us take an example. In Descartes' philosophy, mechanistic thinking, particularly mathematics, plays an important part. We can even say that this whole philosophy is the universalization of mathematical thought. Of course, we can now try to find some group in society whose character is correlative with this viewpoint, and we shall probably find some such definite group in the society of Descartes' time. But a more complicated, yet more adequate, approach is to study the productive system of those days and to show how a member of the rising middle class, by force of his very activity in commerce and manufacture, was induced to make precise calculations if he wished to preserve and increase his power in the newly developed competitive market, and the same holds true of his agents, so to speak, in science and

technology whose inventions and other scientific work played so large a part in the constant struggle between individuals, cities, and nations in the modern era. For all these subjects, the given approach to the world was its consideration in mathematical terms. Because this class, through the development of society, became characteristic of the whole of society, that approach was widely diffused far beyond the middle class itself. Sociology is not sufficient. We must have a comprehensive theory of history if we wish to avoid serious errors. Otherwise we run the risk of relating important philosophical theories to accidental, or at any rate, not decisive groups, and of misconstruing the significance of the specific group in the whole of society, and, therefore, of misconstruing the culture pattern in question. But this is not the chief objection. The stereotyped application of the concept of ideology to every pattern of thought is, in the last analysis, based on the notion that there is no philosophical truth, in fact no truth at all for humanity, and that all thought is *seinsgebunden* (situationally determined). In its methods and results it belongs only to a specific stratum of mankind and is valid only for this stratum. The attitude to be taken to philosophical ideas does not comprise objective testing and practical application, but a more or less complicated correlation to a social group. And the claims of philosophy are thus satisfied. We easily recognize that this tendency, the final consequence of which is the resolution of philosophy into a special science, into sociology, merely repeats the skeptical view which we have already criticized. It is not calculated to explain the social function of philosophy, but rather to perform one itself, namely, to discourage thought from its practical tendency of pointing to the future.

The real social function of philosophy lies in its criticism of what is prevalent. That does not mean superficial fault-finding with individual ideas or conditions, as though a philosopher were a crank. Nor does it mean that the philosopher complains about this or that isolated condition and suggests remedies. The chief aim of such criticism is to prevent mankind from losing itself in those ideas and activities which the existing organization of society instills into its members. Man must be made to see the relationship between his activities and what is achieved thereby, between his particular existence and the general life of society, between his everyday projects and the great ideas which he acknowledges. Philosophy exposes the contradiction in which man is entangled insofar as he must attach himself to isolated ideas and concepts in everyday life. My point can easily be seen from the following. The aim of western philosophy in its first complete form, in Plato, was to cancel and negate one-sided-

ness in a more comprehensive system of thought, in a system more flexible and better adapted to reality. In the course of some of the dialogues, the teacher demonstrates how his interlocutor is inevitably involved in contradictions if he maintains his position too one-sidedly. The teacher shows that it is necessary to advance from this one idea to another, for each idea receives its proper meaning only within the whole system of ideas. Consider, for example, the discussion of the nature of courage in the *Laches*. When the interlocutor clings to his definition that courage means not running away from the battlefield, he is made to realize that in certain situations, such behavior would not be a virtue but foolhardiness, as when the whole army is retreating and a single individual attempts to win the battle all by himself. The same applies to the idea of *Sophrosyne*, inadequately translated as temperance or moderation. *Sophrosyne* is certainly a virtue, but it becomes dubious if it is made the sole end of action and is not grounded in knowledge of all the other virtues. *Sophrosyne* is conceivable only as a moment of correct conduct within the whole. Nor is the case less true for justice. Good will, the will to be just, is a beautiful thing. But this subjective striving is not enough. The title of justice does not accrue to actions which were good in intention but failed in execution. This applies to private life as well as to State activity. Every measure, regardless of the good intentions of its author, may become harmful unless it is based on comprehensive knowledge and is appropriate for the situation. *Summum jus*, says Hegel in a similar context, may become *summa injuria*. We may recall the comparison drawn in the *Gorgias*. The trades of the baker, the cook, and the tailor are in themselves very useful. But they may lead to injury unless hygienic considerations determine their place in the lives of the individual and of mankind. Harbors, shipyards, fortifications, and taxes are good in the same sense. But if the happiness of the community is forgotten, these factors of security and prosperity become instruments of destruction.

Thus, in Europe, in the last decades before the outbreak of the present war, we find the chaotic growth of individual elements of social life: giant economic enterprises, crushing taxes, an enormous increase in armies and armaments, coercive discipline, one-sided cultivation of the natural sciences, and so on. Instead of rational organization of domestic and international relations, there was the rapid spread of certain portions of civilization at the expense of the whole. One stood against the other, and mankind as a whole was destroyed thereby. Plato's demand that the state should be ruled by philosophers does not mean that these rulers should be selected from among the authors of textbooks on logic. In business life, the *Fachgeist*, the

spirit of the specialist, knows only profit, in military life power, and even in science only success in a special discipline. When this spirit is left unchecked, it typifies an anarchic state of society. For Plato, philosophy meant the tendency to bring and maintain the various energies and branches of knowledge in a unity which would transform these partially destructive elements into productive ones in the fullest sense. This is the meaning of his demand that the philosophers should rule. It means lack of faith in the prevailing popular thought. Unlike the latter, reason never loses itself in a single idea, though that idea might be the correct one at any given moment. Reason exists in the whole system of ideas, in the progression from one idea to another, so that every idea is understood and applied in its true meaning, that is to say, in its meaning within the whole of knowledge. Only such thought is rational thought.

This dialectical conception has been applied to the concrete problems of life by the great philosophers; indeed, the rational organization of human existence is the real goal of their philosophies. Dialectical clarification and refinement of the conceptual world which we meet in daily and scientific life, education of the individual for right thinking and acting, has as its goal the realization of the good, and, during the flourishing periods of philosophy at least, that meant the rational organization of human society. Though Aristotle, in his *Metaphysics*, regards the self-contemplation of the mind, theoretical activity, as the greatest happiness, he expressly states that this happiness is possible only on a specific material basis, that is, under certain social and economic conditions. Plato and Aristotle did not believe with Antisthenes and the Cynics that reason could forever continue to develop in people who literally led a dog's life, nor that wisdom could go hand in hand with misery. An equitable state of affairs was for them the necessary condition for the unfolding of man's intellectual powers, and this idea lies at the basis of all of Western humanism.

Anyone who studies modern philosophy, not merely in the standard compendia, but through his own historical researches, will perceive the social problem to be a very decisive motive. I need only mention Hobbes and Spinoza. The *Tractatus Theologico-Politicus* of Spinoza was the only major work which he published during his lifetime. With other thinkers, Leibniz and Kant for instance, a more penetrating analysis reveals the existence of social and historical categories in the foundations of the most abstract chapters of their works, their metaphysical and transcendental doctrines. Without those categories, it is impossible to understand or solve their problems. A basic analysis of the content of purely theoretical philo-

sophical doctrines is therefore one of the most interesting tasks of modern research in the history of philosophy. But this task has little in common with the superficial correlation to which reference has already been made. The historian of art or literature has corresponding tasks.

Despite the important part played in philosophy by the examination of social problems, expressed or unexpressed, conscious or unconscious, let us again emphasize that the social function of philosophy is not to be found just there, but rather in the development of critical and dialectical thought. Philosophy is the methodical and steadfast attempt to bring reason into the world. Its precarious and controversial position results from this. Philosophy is inconvenient, obstinate, and with all that, of no immediate use—in fact it is a source of annoyance. Philosophy lacks criteria and compelling proofs. Investigation of facts is strenuous, too, but one at least knows what to go by. Man is naturally quite reluctant to occupy himself with the confusion and entanglements of his private and public life: he feels insecure and on dangerous ground. In our present division of labor, those problems are assigned to the philosopher or theologian. Or, man consoles himself with the thought that the discords are merely transient and that fundamentally everything is all right. In the past century of European history, it has been shown conclusively that, despite a semblance of security, man has not been able to arrange his life in accordance with his conceptions of humanity. There is a gulf between the ideas by which men judge themselves and the world on the one hand, and the social reality which they reproduce through their actions on the other hand. Because of this circumstance, all their conceptions and judgments are two-sided and falsified. Now man sees himself heading for disaster or already engulfed in it, and in many countries he is so paralyzed by approaching barbarism that he is almost completely unable to react and protect himself. He is the rabbit before the hungry stoat. There are times perhaps when one can get along without theory, but this deficiency lowers man and renders him helpless against force. The fact that theory may rise into the rarified atmosphere of a hollow and bloodless idealism or sink into tiresome and empty phrasemongering, does not mean that these forms are its true forms. As far as tedium and banality are concerned, philosophy often finds its match in the so-called investigation of facts. Today, at any event, the whole historical dynamic has placed philosophy in the center of social actuality, and social actuality in the center of philosophy.

Attention should be drawn to a particularly important change which has taken place along these lines since classical antiquity.

Plato held that Eros enables the sage to know the ideas. He linked knowledge with a moral or psychological state, Eros, which in principle may exist at every historical moment. For this reason, his proposed State appeared to him as an eternal ideal of reason, not bound up with any historical condition. The dialogue on the *Laws*, then, was a compromise, accepted as a preliminary step which did not affect the eternal ideal. Plato's State is an Utopia, like those projected at the beginning of the modern era and even in our own days. But Utopia is no longer the proper philosophic form for dealing with the problem of society. It has been recognized that the contradictions in thought cannot be resolved by purely theoretical reflection. That requires an historical development beyond which we cannot leap in thought. Knowledge is bound up not only with psychological and moral conditions, but also with social conditions. The enunciation and description of perfect political and social forms out of pure ideas is neither meaningful nor adequate.

Utopia as the crown of philosophical systems is therefore replaced by a scientific description of concrete relationships and tendencies, which can lead to an improvement of human life. This change has the most far-reaching consequences for the structure and meaning of philosophical theory. Modern philosophy shares with the ancients their high opinion of the potentialities of the human race, their optimism over man's potential achievements. The proposition that man is by nature incapable of living a good life or of achieving the highest levels of social organization, has been rejected by the greatest thinkers. Let us recall Kant's famous remarks about Plato's Utopia: "The Platonic Republic has been supposed to be a striking example of purely imaginary perfection. It has become a byword, as something that could exist in the brain of an idle thinker only, and Bruckner thinks it ridiculous that Plato could have said that no prince could ever govern well, unless he participated in the ideas. We should do better, however, to follow up this thought and endeavour (where that excellent philosopher leaves us without his guidance) to place it in a clearer light by our own efforts, rather than to throw it aside as useless, under the miserable and very dangerous pretext of its impracticability . . . For nothing can be more mischievous and more unworthy a philosopher than the vulgar appeal to what is called adverse experience, which possibly might never have existed, if at the proper time institutions had been framed according to those ideas, and not according to crude concepts, which, because they were derived from experience only, have marred all good intentions."[1])

[1]) I. Kant, *Critique of Pure Reason*, trans. by F. Max Müller. New York 1920, pp. 257-258.

Since Plato, philosophy has never deserted the true idealism that it is possible to introduce reason among individuals and among nations. It has only discarded the *false* idealism that it is sufficient to set up the picture of perfection with no regard for the way in which it is to be attained. In modern times, loyalty to the highest ideas has been linked, in a world opposed to them, with the sober desire to know how these ideas can be realized on earth.

Before concluding, let us return once more to a misunderstanding which has already been mentioned. In philosophy, unlike business and politics, criticism does not mean the condemnation of a thing, grumbling about some measure or other, or mere negation and repudiation. Under certain conditions, criticism may actually take this destructive turn; there are examples in the Hellenistic age. By criticism, we mean that intellectual, and eventually practical, effort which is not satisfied to accept the prevailing ideas, actions, and social conditions unthinkingly and from mere habit; effort which aims to coordinate the individual sides of social life with each other and with the general ideas and aims of the epoch, to deduce them genetically, to distinguish the appearance from the essence, to examine the foundations of things, in short, really to know them. Hegel, the philosopher to whom we are most indebted in many respects, was so far removed from any querulous repudiation of specific conditions, that the King of Prussia called him to Berlin to inculcate the students with the proper loyalty and to immunize them against political opposition. Hegel did his best in that direction, and declared the Prussian state to be the embodiment of the divine Idea on earth. But thought is a peculiar factor. To justify the Prussian state, Hegel had to teach man to overcome the onesidedness and limitations of ordinary human understanding and to see the interrelationship between all conceptual and real relations. Further, he had to teach man to construe human history in its complex and contradictory structure, to search out the ideas of freedom and justice in the lives of nations, to know how nations perish when their principle proves inadequate and the time is ripe for new social forms. The fact that Hegel thus had to train his students in theoretical thought, had highly equivocal consequences for the Prussian state. In the long run, Hegel's work did more serious harm to that reactionary institution than all the use the latter could derive from his formal glorification. Reason is a poor ally of reaction. A little less than ten years after Hegel's death (his chair remained unoccupied that long), the King appointed a successor to fight the "dragon's teeth of Hegelian pantheism," and the "arrogance and fanaticism of his school."

We cannot say that, in the history of philosophy, the thinkers who had the most progressive effect were those who found most to criticize or who were always on hand with so-called practical programs. Things are not that simple. A philosophical doctrine has many sides, and each side may have the most diverse historical effects. Only in exceptional historical periods, such as the French Enlightenment, does philosophy itself become politics. In that period, the word philosophy did not call to mind logic and epistemology so much as attacks on the Church hierarchy and on an inhuman judicial system. The removal of certain preconceptions was virtually equivalent to opening the gates of the new world. Tradition and faith were two of the most powerful bulwarks of the old regime, and the philosophical attacks constituted an immediate historical action. Today, however, it is not a matter of eliminating a creed, for in the totalitarian states, where the noisiest appeal is made to heroism and a lofty *Weltanschauung*, neither faith nor *Weltanschauung* rule, but only dull indifference and the apathy of the individual towards destiny and to what comes from above. Today our task is rather to ensure that, in the future, the capacity for theory and for action which derives from theory will never again disappear, even in some coming period of peace when the daily routine may tend to allow the whole problem to be forgotten once more. Our task is continually to struggle, lest mankind becomes completely disheartened by the frightful happenings of the present, lest man's belief in a worthy, peaceful and happy direction of society perishes from the earth.

Types of Natural Law.

By Franz L. Neumann.

Today we are faced with a revival of Natural Law. At the turn of this century, such a renaissance would have been inconceivable. Natural Law was dead. Karl Bergbohm's[1]) witchhunt against Natural Law in all its forms, and in all juridical disciplines, impressed the stamp of ridicule upon all its adherents. When, in 1904, George L. Scherger published *The Evolution of Modern Liberty*,[2]) he could rightly sum up the attitude of his period in the following way: "The theory of Natural Law is an exploded theory, no longer accepted by any scholar of repute." Legal positivism, with its thesis that law is nothing but the sovereign's will, had exterminated all attempts to measure the system of positive law on some normative standard.

But today it takes considerable courage to deny the scientific validity of Natural Law. It has again permeated political and legal thought, and forms almost a compulsory introduction to many political pamphlets. It takes the form of a revival of thomistic Natural Law or of the rationalistic doctrines. Even Fascist and National Socialist theories are beginning to use the propagandist potentialities of the postulates of Natural Law, often merely for foreign consumption. Equality, liberty, and justice still taste sweetly to many. It is thus good policy to cover reactionary, regressive, and anti-rational politics with the cloak of a more than 2000 year old tradition.

If we wish to preserve the heritage of Natural Law, we must restate it. Such an undertaking can only be successful if, by developing the historic types of Natural Law, we find common traits which can be spoken of as progressive elements of modern society.

I.

Natural Law doctrines begin by asserting the existence of a state of nature and thus of a specific nature of man. Man is either good or bad, a lamb or a wolf, social or isolated, peaceful or warlike, religious or pagan. From this state of nature the character of civil society is deduced. It is either liberal or absolutist, democratic or aristocratic, republican or monarchic, socialistic or based on private

[1]) *Jurisprudenz und Rechtsphilosophie*, Vol. I, Leipzig, 1892.
[2]) New York, 1904, p. 11.

property. The relation between law and the State is equally derived from the defined state of nature. The State may swallow up the law, or the law (the natural rights) may annihilate the State: The State may stand above, or below, or side by side with the law.

It is obvious that any such doctrine of Natural Law is philosophically deficient. It is exposed to the reproach of arbitrariness. Hume, in his *Treatise of Human Nature*, had prepared the first attack on the essence of Natural Law. There can be no rational principles of right and justice which are necessary and inescapable. They are conventions which are valid merely because man follows them. They cannot be shown to be necessary since it is always possible to conceive the opposite.[1]) From the general philosophical position of Hume it follows that his attack upon Natural Law is not restricted to this branch of moral philosophy but is rather contained in his denial of the universality and necessity of reason, and upon his insistence that general ideas are merely derived from the particular, merely represent the particular, and can never provide universal rules and principles.[2]) It is in fact in line with Helvetius' rejection of Natural Law, arising from the same mistrust of universal and innate ideas.

Hegel's criticism is far more decisive, for, from the very basis of his philosophical idealism, he disclosed the dogmatic and arbitrary character of the traditional Natural Law doctrines.[3]) Hegel condemns them because they subordinate the State to the antagonistic interests of an individualistic society. His criticism applies equally to both trends of Natural Law: the empirical and the critical. For the former he analyzes Rousseau and Hobbes; for the latter, Kant and Fichte. Hegel reproaches the empirical theory with isolating one side of human nature (p. 328). It eliminates "specific customs, history, education," and is left with "man" in "the naked state of nature" (p. 339), a mere abstract phenomenon. Hegel continues that such a procedure cannot provide a criterion enabling us to determine the boundary between chance and necessity, "what could thus remain in the chaos of the natural state or in the abstraction of man and what must be eliminated." "The guiding principle of the *a priori* is the *a posteriori*" (p. 339). The empirical doctrines thus destroy the unity of the whole of human relationships; they arbitrarily elevate one aspect of human nature, one impulse, one whole set of postulates for the ordering of human society. Neverthe-

[1]) The best exposition of Hume's position is to be found in George H. Sabine, *A History of Political Thought*, New York, 1937, pp. 598-616.

[2]) Cf. the article of Herbert Marcuse in this number.

[3]) "Über die wissenschaftlichen Behandlungsarten des Naturrechts" (not translated) contained in *Schriften zur Politik und Rechtsphilosophie*, ed. G. Lasson, Leipzig 1913, pp. 329-416.

less the empirical doctrines are rated more highly than the critical ones because they at least have recourse to experience (pp. 344-345). However, Kant's doctrine of practical reason appears to Hegel not drive, to the rank of the absolute (p. 342), and deduce from it a only tautological but immoral. Whether it is possible for a definite purpose to become the basis of a moral law, can only be answered if it has already been decided whether or not this purpose is worthy of being realized. This decision will vary according to historical circumstances. Kant illustrates his universal norm from the example of private property which, according to him, is accepted by everyone. But according to Hegel, everyone is at liberty to deny private property and to arrive at a different moral law. The Kantian principle of universality becomes an immoral principle if an immoral wish is powerful enough to be regarded as sufficiently important. It could then be "elevated to the rank of a principle and there is absolutely nothing that cannot in this way be made into an ethical law."

Hegel's criticism is not very different from Rousseau's famous statement in his *Discours sur l'Inégalité*[1]): "He (the Natural Law theorist) begins by casting about for the rules which, in their own interest, it would be well for man to agree upon; and then, without any further proof than the supposed advantage thus resulting, he proceeds to dignify this body of rules by the name of Natural Law. All the philosophers of his school have followed the same method. The result is that all the definitions of these learned men, in standing contradiction with each other, agree in this conclusion only: that it is impossible to understand, impossible therefore to obey, the law of nature without being a deep reasoner and a very great metaphysician. And that is only another way of saying that, for the establishment of society, man must have made use of the wisdom which is, in fact, only gradually acquired by a small minority of men and that with the utmost difficulty, in the bosom of society itself."

But in every Natural Law doctrine there is one element which Hegel, incorporating it in his Philosophy of Right, recognizes as progressive, as the emanation of reason possessing true universality. We must, therefore, be careful not to confuse the many criticisms of Natural Law. If Hume rejects it because there can be no rational justice, if George Sorel[2]) denounces it because of its arbitrariness, or if counter-revolutionists attack it because it contains revolutionary elements, they attack it because they deny the possibility of a

[1]) C. E. Vaughan, *The Political Writings of J. J. Rousseau*, vol. I, p. 137. The translation is taken from C. E. Vaughan, *Studies in the History of Political Philosophy before and after Rousseau*, vol. I, Manchester 1939, pp. 172, 173.

[2]) *Le Procès de Socrate*, Paris 1889.

rational theory of justice. That is quite different from a theory of law which (like Hegel's) asserts the possibility of constructing a rational theory of right and justice but which merely denies that the historic forms of Natural Law have fulfilled this possibility.

Yet it is just the varying historic types of Natural Law, far more than an epistomological discussion which reveal the content of truth contained in them. For it is the truth of the Natural Law doctrines with which we are primarily concerned. Our discussion can thus not be merely a sociological one, putting into the forefront the connection between thought and social condition, between the genesis of a doctrine and its meaning. Such analysis will undoubtedly help us to reveal the amount of truth contained in Natural Law doctrines. But in itself it cannot furnish the criterion. In searching for the criterion we must avoid the pitfalls of both dogmatism and relativism. The maxims of right cannot be deduced from mere formal concepts which are in turn wholly arbitrary and dogmatic. That is a mistake which Kantian legal philosophy shares with the Natural Law doctrine. On the other hand, we must not be driven to the extreme of positivism, pragmatism, and perhaps still further to a nihilistic relativism. The truth of a doctrine does not depend solely upon its utility. Many propositions of Natural Law are progressive, though they may appear futile in certain historical situations. Others may serve in one historical stage and may be worthless in another one. The truth of a doctrine will depend upon the extent to which it embodies concrete liberty and human dignity, upon its ability to provide for the fullest development of all human potentialities. It is thus in the historic development and the concrete setting of the Natural Law doctrines that their truth must be determined.

II.

What is the basis of a Natural Law theory?[1]) The answer must necessarily be: nature. That means, in the first place, the nature of law. Every Natural Law doctrine tries to answer such questions as the character of the law, its validity, the relation between State, law, morals and so on. If this alone were the task of Natural Law doctrines, they would be nothing but a philosophy of law, or rather,

[1]) Benjamin Fletcher Wright, in *American Interpretations of Natural Law*, Cambridge, U. S. 1931, pp. 333-8, distinguishes eight meanings of the concept "natural."

Divine—Reasonable (Discovered by human reason)—In accord with the constitution of man—In keeping with custom firmly established—Just and equitable—Ideal, contrasted with the actual—Appropriate and useful—Original, as contrasted with the conventional.

Although these categories are exhaustive, this does not necessarily mean that they answer the philosophical question.

philosophy of law would be Natural Law, which is obviously not the case. The solution of this dilemma can only be that Natural Law tries to solve the philosophical problems of law by some specific method, by some special approach,—that is, by deriving the principles of law from the lawfulness of nature.

What do we mean by nature in this connection? Do we mean the nature of man, that is, the psychic, internal nature, or do we understand by it physical, external nature? Do we mean man himself, or the objects around him? Can a Natural Law doctrine deduce its propositions from the laws governing physical nature? Apparently only if there is an intrinsic connection between man and external nature, so that the laws governing the latter are also valid for the psychic structure of man. If such an intrinsic connection is not claimed and if the principles of law are nevertheless deduced from external nature, then we have a mere analogy betwen human and external nature. The order of nature becomes then a mere symbol for the order of society, as in the apologetic writings of the Middle Ages, which justify the division between rulers and ruled, between *sui iuris* and *iuris alterius*, by referring to the hierarchic order of external nature or even to the structure of a cathedral building.[1]) If, however, man is a part of external nature, subject to its laws and determined by the iron necessity from which external nature cannot escape, then we have—as in the stoic, to some extent in the thomistic, and in the pantheistic and deistic philosophies—specific theories of Natural Law.

It may be assumed that man, outside his socio-political existence, does not exist or is, at least, not considered as relevant. Man has rights and duties not as an isolated individual, not prior to civil society, but only in and through it. Such doctrines are, in consequence, not theories of Natural Law. That is especially true of Aristotle, for whom there is neither an antagonism between the individual and the State nor between society and the State. The power of the Polis is no external one confronting individual rights of the citizens. The rights of the citizens are rather rights of the *status activus*, expressing the identity between man and the State of which he is a member. The Solonian legislation even went so far as to make it the duty of every Athenian to take up arms in the factional struggles on penalty of losing his citizen rights.[2]) It is true that, throughout his *Ethics*, Aristotle contrasts laws with natural justice,

[1]) Wilhelm Schwer, *Stand und Ständeordnung im Weltbild des Mittelalters.* (Schriften der Görresgesellschaft No. 7), Paderborn, 1934, pp. 32-50.

[2]) Aristotle, *Atheniensum Respublica*, transl. Kenyon (Oxford ed.) Vol. X (1911) ch. VIII, 1.

or human with natural justice, or even laws with nature.[1]) But these statements do not give the slightest suggestion that the individual has rights outside of and even against the Polis. Nor does the introduction of the concept of equity alter our view. Equity is, in Aristotle's definition, a correction of the abstractness of universal rules. But, in his own words, law and equity are "not opposed to one another." "They appear to be neither absolutely the same nor generically different."[2]) The standards of equity in Aristotle's philosophy of law are—it seems—not determined solely by the specific characteristics of the citizens concerned, but derive from the "nature of things," from the concrete configuration of the specific case in which the claim of the individual may be but one of the determining factors.

It follows from the previous discussion that any legal philosophy which refuses to consider man as an isolated individual endowed with specific drives, cravings, instincts (or whatever word we may choose), or driven by the forces of objective nature, prior to the creation or independent of civil society, cannot be a Natural Law philosophy. It may have an idea of justice. It may develop the standards of right from the structure of civil society and its needs. But it cannot be said to represent a doctrine of Natural Law. Any other definition would make the term Natural Law even more protean than it actually is within the so defined limits.

If we limit Natural Law doctrines to those which assume (either as a fact or as a hypothesis) the existence of an isolated individual prior to the establishment of civil society, the content and the structure of the Natural Law theory will obviously be determined by a philosophy of man. Man may be considered as essentially good, as essentially wicked, or as neither good nor bad. The first view is held by the more liberal, the second by the more absolutistic, the third by the purely democratic theorists.

Accepting the optimistic view of man's character (e.g. as with Hooker and Locke), Natural Law must reach the conclusion that no civil society can deprive man of his original rights. Nor need it do so for man is essentially good. The pessimistic view (Epicurus, Spinoza, Hobbes) must be primarily interested in the preservation of order, peace and some kind of living together under common law without regard to man's inborn rights which, owing to man's essential wickedness, could only turn life into a war of all against all. The agnostic view (Rousseau) believes that only in civil society can man's original rights merge with those of his fellow citizens into one

[1]) *Ethica Nicomachea*, transl. Ross (Oxford ed.) Vol. IX (1923) 1134 b, 18; 1136 b, 32; 1133 a, 30.

[2]) op. cit. 1137 b, 7; 1137 a, 34.

collective right. According to Rousseau it is not man's character which is a cause of his corruption. It is society which makes man depraved, for in the state of nature, man is "*ni bon ni méchant.*"[1])

III.

It follows from our viewpoint that Natural Law doctrines must postulate the existence of a system of norms independent of the decision of the sovereign power, and even independent of God's decisions. In the words of Leibnitz, "justice were never an essential property of the Deity if law and justice would depend on its arbitrariness. It is thus that justice contains *laws of equality and equity which are founded not less in the nature of things and of the moral ideas than the principles of geometry and arithmetic.* . . . Some were foolish enough to maintain that God could lawfully condemn an innocent because the law is also his creation."[2])

How is it possible objectively to derive valid laws from the wills of the individuals? This is the crucial question with which Natural Law is concerned. Is it possible to construct universally valid rules, not arbitrarily imposed from above, but springing from the free consent of the individual? An affirmative answer can be given only if we assume that man is endowed with reason. We shall return to this problem later. The political form in which this free consent of man can be expressed is the social contract. And it is at this place that Natural Law doctrines and social contract theories come into contact. We mean here only genuine social contract theories and not doctrines of a governmental contract. We are concerned only with those theories which derive the very existence of civil society, and not merely its specific form of government, from the consent of man. It is fairly evident that Natural Law and social contract are not identical categories. If a right is derived from the nature of man, it cannot be conceived as the mere creation of the social contract.[3]) There is, therefore, even a certain contradiction between Natural Law and social contract. The latter justifies the use of coercive power, whereas the optimistic Natural Law doctrines profess to justify original rights against such coercive powers. No social contract theory necessarily follows from the optimistic Natural Law doctrine. Historically, the optimistic views have taken two forms. The theory of natural rights may be superimposed upon nearly every theory of

[1]) On Rousseau's theory of the natural state cf. C. E. Vaughan, *The Political Writings of J. J. Rousseau*, vol. I, pp. 158, 159.

[2]) From: E. G. Guhrauer, *Gottfried Wilhelm von Leibnitz*, 2 Vols. Breslau 1845, Vol. I, p. 233.

[3]) This point is made by Julius Kaerst, "Die Entstehung der Vertragstheorie im Altertum" in "*Zeitschrift für Politik*," Vol. II (1909) p. 536.

civil society. If thus superimposed, it has a constitutional function: to limit, to restrict and to guide the activities of the State by the original rights to life, liberty and property.

Whereas a theory of Natural Law does not necessarily lead to a social contract doctrine, a social contract theory is logically impossible without a corresponding view of Natural Law, either explicit or implicit. Every social contract reduces the will of the state to the wills of the individuals and must thus have a definite view of man's character prior to the conclusion of the social contract.

If we analyse the relation between Natural Law theories and contractual theories we come to the conclusion that although both doctrines validly establish the normative element, they are logically incapable of developing the coercive element without which law is only a concept.

If a man is really good in the state of nature, why should he part with his freedom and form a civil society? If he is a lamb, why must he transfer his original rights to some common coercive agency? If he is truly good, his cravings can be harmonized without coercion. The anarchists are thus indeed the only consistent theorists of the optimistic Natural Law doctrines, while neither Locke nor Adam Smith can possibly develop a consistent theory of the State. If Locke describes the natural state as one of "peace, goodwill, mutual assistance and preservation,"[1]) why then is a State necessary? It is because, although Locke's treatise is written as an attack on Hobbes, and almost always with an eye on Hobbes, Locke could not but ultimately accept the propositions of Hobbes' theory, namely, that men are sometimes "grasping hucksters, quarrelsome tyrants, rebels."[2]) There is hardly any difference between Hobbes' construction and the following statement by Locke: "whosoever out of a state of nature unite into a community must be understood to give up all the power necessary to the ends for which they unite."[3]) Nor must we be deceived by the apparently deliberate omission of the word sovereignty. Locke's prerogative power "to act according to discretion for the public good, without the prescription of the law and sometimes even against it" fulfills, for all practical purposes, the needs of the sovereign power, especially in the field of foreign policy.

The inability of the pessimistic doctrines to secure the continuous existence of a coercive authority which is independent of the antagonisms of the individuals in society is brought out strikingly in the philosophies of Hobbes, Spinoza and Kant. At first sight, the differ-

[1]) *Treatise*, p. 19.
[2]) C. E. Vaughan, *Studies* vol. I, p. 169.
[3]) *Treatise*, p. 99.

ences between the three philosophies appear to be considerable. Hobbes still allows the individual important remnants of natural rights.[3]) Spinoza's doctrine makes the individual give up his rights in their entirety. No one retains even the shadow of such rights. Law is merely the command of the sovereign. There is no right to resist. The subject is merely *alterius iuris*, the State alone is *sui iuris*.[4]) Kant also rejects the right of resistance[5]) and constructs the most rigid theory of law yet devised, although it contains, at the same time, some of the most progressive elements of modern legal thought. All three philosophers, although establishing the absolute sovereignty of the State, bow to accomplished facts, and acknowledge the possibility of refusing obedience. Hobbes[6]) dissolves the bond between rulers and ruled when the former is no longer capable of performing his side of the bargain, namely to protect the subjects, to guarantee peace and order, and to secure their property. Spinoza[7]) corrects his political theory by his legal theory. Law is might. Each one has as much right as he has might. Each group may at any moment become *sui iuris*, seize power and demand obedience. Kant,[8]) in a modest note to his *Rechtslehre*, admits that after a successful revolution the subjects owe obedience to the new powers.

It follows from this short critical examination that every Natural Law doctrine is self-contradictory. None of the theories is capable of explaining the validity of a system of norms derived merely from individual consent. All of them are compelled to admit into their system a non-normative element, namely power, thus overthrowing their whole elaborate structure.

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[3]) I.e. "Law of Nature obliges always in conscience (in foro interno), but not always in foro externo" *Leviathan* (Molesworth ed.) *Vol. III, ch. XV, p. 245* or "If the sovereign commands a man, though justly condemned, to kill, wound or maim himself, or not to resist those that assault him, or to abstain from the use of food, air, medicine or other things without which he cannot live, yet hath that man the liberty to disobey" *op. cit. ch. XXI, p. 266*. Note the ambiguity of the words "not always" in the first, and "other things" in the second quotation.

[4]) *Tractatus Politicus* (Opera ed. van Vloten and Land 3rd ed. 1913) ch. IV, 5.

[5]) *Metaphysik der Sitten*. Rechtslehre II, 1 Allgemeine Anmerkung A. (Transl. Hastie p. 176) "For, whoever would restrict the supreme power of the state must have more or at least equal power, as compared with the power that is to be so restricted, and if competent to command the subjects to restrict, such a one would also have to be able to protect them; and if he is to be considered capable of judging what is right in every case, he may also publicly order resistance. But such a one, and not the actual authority, would then be the supreme power, which is contradictory." The reasoning is unassailable.

[6]) *Leviathan ch. XXI, p. 266*. "The obligation of subjects to the sovereign, is understood to last as long, and no longer than the power lasteth, by which he is able to protect them. . . . The sovereignty is the soul of the commonwealth, which once departed from the body, the members do no more perceive their motion from it. The end of obedience is protection."

[7]) *Tractatus Theologico-Politicus* ch. XVI, *Tractatus Politicus* ch. II, 4.

[8]) op. cit. p. 181.

It is true that our survey does not cover all forms of Natural Law. But our criticism applies equally to all known expressions of it. In some, the inner antagonism is even more apparent. In Bodin's doctrine the two elements, the normative and the power factors, stand completely unrelated to each other, and it is impossible to claim that Bodin's system is logically consistent.[1])

IV.

Only one form of Natural Law theory avoids the pitfalls of both —anarchy and arbitrary rule—the democratic doctrine given by Marsilius of Padua and even more so by Rousseau. It may be true that Marsilius did not develop a genuine democratic theory because he identified the people with its "*pars valentior.*"[2]) But even taking this limitation into account, the accomplishment of Marsilius was never surpassed except by Hobbes and Rousseau. In Marsilius' system, Natural Law serves for the establishment of a completely self-sufficient secular state. From the nominalist position of a dual truth, a rational and revealed one,[3]) Marsilius succeeds in breaking away from political Augustinism and scholasticism. Compelled to seek a rational justification of the secular power, he had to have recourse to a social contract, erecting the State upon the free consent of the people, even if only a part of it was taken into consideration. With the establishment of the State, Natural Law disappears. It has merely an advisory character, lacking the "*vis coactiva.*"[4]) The State becomes a unity. Its power is one and indivisible. There is but one law governing the State and but one central authority. So strong is the unity and secularity of the State that Marsilius, anticipating Hobbes and Spinoza, demands the control by the State of ecclesiastic education and of the religious cults.[5]) We must admit that Marsilius only develops the beginnings of a consistent theory in which natural

[1]) Bodin: *les six livres de la république*, Lyon 1588. I quote a few examples:
I, VIII: la souverainété est la puissance absolue et perpétuelle d'une république, *and*
I, 1: République est un droit gouvernement de plusieurs mênages . . . *or*
I, X: la loi n'est autre chose que le commendement du souverain, usant de sa puissance.
I, VIII: Si donc le Prince souverain est exempt des loix de ses prédécesseurs, beaucoup moins seroit il tenu aux loix et ordonnances qu'il fait; car on peut bien recevoir loi d'autroy, mais il est impossible par nature de se donner loy, *and*
I, VIII: mais quant aux loix divines et naturelles, tous les Princes de la terre y sont subjects, et n'est pas au leur puissance d'y contrevenir. Et par ainsi la puissance absolue des Princes et seigneuries souveraines ne s'étend aucunement aux loix de Dieu et de nature.

[2]) as has been pointed out by Charles H. McIlwain, *The Growth of Political Thought in the West*, London, 1932, p. 393 and Marsilius of Padua, *Defensor Pacis* ed. Previté-Orton, Cambridge (England) 1927, Dictio I, XII.

[3]) Georges de Lagarde, *La Naissance de l'Esprit Laique*, vol. II, Paris, p. 86.

[4]) *Defensor Pacis*, Dictio II, v. p. 147.

[5]) *Defensor Pacis*, Dictio II, xxi, p. 335.

rights are preserved even though they are at the same time surrendered to the State. This is attained through the arbitrary restriction of the consent of the people to its *pars valentior* where unity and harmony can be relatively easily established. Had he extended the democratic concept to embrace the whole populace, the internal contradictions of the theory would at once have become apparent.

The solution was accomplished by Rousseau. We presuppose a knowledge of his political theory: the establishment of the general will from the will of all, the claim that in spite of the surrender of all individual rights, they are nevertheless preserved in the general will. This may be taken to mean either a dogmatic and totally unproven assertion, or a mere ideology to justify the rule of majorities and of representative bodies.[1]) Only if we interpret Rousseau's political theory as based upon a definite social theory can we understand how a rational order of human life can really be developed from his principles. There appear to be two alternative social conditions underlying Rousseau's political theory. The one, well known, is his preference for small city states and his abhorrence of large cities.[2]) The other, little known, are his postulates with regard to the economic substructure deemed necessary for the realization of a rational—that is, natural—order. Rousseau had a deep insight into the fundamental economic antagonisms produced by private property. In *Émile* he makes the following remarkable statement: "This right (namely property) is inviolable and sacred for the State so long as it remains private and individual. But directly it is considered . . . as a right common to all citizens, it is subordinated to the general will, and the general will can annul it. The sovereign has no right to touch the possessions either of one individual or of several. But it has every right to appropriate the possessions of all."[3]) Property, in order to remain private and individual, must be equally distributed. Such equality is not only not dangerous but beneficial.[4]) If, however, such equality can no longer be established, then there is but one way out—communal property. "*Loin de vouloir que l'état soit pauvre, je voudrais au contraire, qu'il eût tout, et chacun n'eût sa part aux biens communs qu'en proportion de ses services.*"[5]) Only if accumulated property is no

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[1]) For support of this view, see *Contrat Social* II, 2 (note of 1762); or the *Corsica Constitution* (Vaughan Vol. II, pp. 313, 351) where he recommends a mixed government and Estates General.

[2]) Une capitale est un gouffre . . . De la capitale s'exhale une peste continuelle . . . *Économie Politique* (Vaughan Vol. II, p. 253).

[3]) *Emile*, Book V, (Vaughan vol. II, p. 152).

[4]) *Lettres de la Montagne* (letter v.) (Vaughan vol. II, pp. 342, 343).

[5]) *Corsican Constitution* (Vaughan, vol. II, 337).

longer dangerous is the general will the true representation of the wills of all. The sovereign power then ceases to be sovereign, is no longer an external power confronting the subjects. It is rather society itself which governs and administers itself. "*Car la propriété particulière étant si faible et si dépendante, le Gouvernement n'a besoin que de peu de force et conduit, pour ainsi dire, les peuples avec un mouvement de doigt.*"[1]) Rousseau's doctrine does not truly achieve the preservation of the rights of all in the general will, except in connection with the specific social theory. Without it, his doctrine is the ideology of representative democracy, and is thus exposed to the reproach that the majority does not necessarily represent the truth. Nevertheless democratic Natural Law does at least provide the formal framework within which it is possible to harmonize the wills of individuals.

V.

Must we, therefore, in spite of its inner consistency, discard the doctrine of Natural Law? The answer will depend upon the evaluation of the basic element underlying all the doctrines of Natural Law.

If every doctrine of Natural Law is based upon men as an individual, either autonomous or subject to the lawfulness of external nature, then man must be considered as a rational individual. That in turn implies the recognition of the essential equality of human beings. And this again leads to the universality of the Natural Law doctrine which is the central view common to all doctrines. It also follows that no theory of Natural Law can accept facts as they are and because they are. Natural Law doctrines are thus fundamentally opposed to traditionalism and historicism. Each human institution is open to critical reason, none is exempt from it. Finally, Natural Law doctrines cannot be reconciled with anti-rational doctrines, such as Vitalism, Universalism or the theory of Charismatic Leadership. If Life is an original datum, irreducible and not open to critical examination; if the Whole stands categorically before the individual; if obedience is owed because a leader is endowed with superhuman, God-like qualities; then reason is excluded. It is true that attempts have been and will be made to reconcile anti-rational political theories with Natural Law. Such attempts appear to be meaningless. The protagonists of anti-rationalism[2]) have themselves acknowledged the incompatibility of their position with Natural Law doctrines, whatever form they may take.

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[1]) *Corsican Constitution*, (Vaughan vol. II, p. 355).
[2]) esp. Pareto.

For de Maistre and Bonald, Natural Law and social contract theories represented everything which was execrable in this world. They were responsible for the French revolution and they ran counter to the very principles upon which the world rests and must continue to rest. "Man . . . as an individual is too wicked to be free"[1]) "Reason is but a brute which must be destroyed by every means" (I, 357). No human institution originates from Reason, which would only prevent and destroy it (I, 367). True, he occasionally plays with the concept of "Nature." The "aristocracy is sovereign by nature and the French revolution offends the eternal laws of nature" (I, 357). But it is not more than a mere playing with words, for the justification of the authorities lies in faith and patriotism (I, 37). It is not the nature of man, it is "authority" which "has planted the seeds of civilization in society."[2])

Donoso Cortès in Spain, as a Catholic, and Friedrich Julius Stahl in Prussia, as a Protestant, expressed the same hatred of Natural Law as did de Maistre and Bonald. Donoso Cortès denounced the social contract as an absurdity.[3]) He foresaw the growth of European despotism and he believed that democracy prepared the way for a "gigantic, colossal, universal, and immense tyrant" (*l'Église et la Révolution* (1848) Vol. I, 332). Like de Maistre and Bonald he believed in the essential wickedness of man.[4])

Friedrich Julius Stahl, the founder of the conservative theocratic theory of the Prussian State, intended his whole work to be nothing but a refutation of Natural Law and the Hegelian theory of the State. For this purpose he divided all political parties into two kinds—revolutionary and conservative. By revolutionary this great demagogue not merely understood the socialist doctrines but all liberal, all democratic, in short, all those political parties in the Church and the State in which the Natural Law ideology was still alive. "It is a revolution to oppose civil society to the state of nature, and thereby to set man free from all traditions of law and custom, to reduce the well ordered society to an original chaos and to take from this chaos the standards by which the social order is measured. It is a revolution to destroy the whole public body of the State, the whole moral order of the nation, and to leave nothing except the rights and the mutual security of the individuals. It is, finally, the essence of revolution, to deny to the authority power in its own right, founding it on the will of the people.

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[1]) de Maistre, *Oeuvres Complètes*, Lyon 1891-1892 Vol. II, 399.
[2]) Bonald, *Oeuvres Complètes*, Paris 1864, Vol. I, 121.
[3]) Pie IX, (1847), in *Oeuvres de Donoso Cortès, Marquis de Valdegamas.* Third ed. Lyon 1877, Vol. I, p. 217.
[4]) *Polémique avec divers journaux de Madrid* (1849) Vol. I, 359.

Natural Law from Grotius to Kant is the scientific foundation of revolution."[1])

Stahl's criticism is applicable, and with as much justification, not only to the rationalistic but also to the ancient and thomistic theories. This can be shown if we turn to the pragmatic character of Natural Law doctrine and attempt to develop a pragmatic typology. We may then roughly divide Natural Law doctrines into conservative, absolutistic, liberal, democratic and revolutionary.

VI.

The representative conservative doctrine is the thomistic one. Its structure is so well known that hardly anything need be added. God is the source of the *lex divina*. From the *lex aeterna* is derived the *lex naturalis*.[2]) All men, as rational creatures, participate equally in the *lex naturalis* (1, II, 91, 2). Its supreme principles are eternal and unchanging, though their recognition may be hindered by passion (1, II, 91, 6). Below the *lex naturalis* come the positive laws which must conform to three conditions. They must serve the common good (1, II, 90, 2); they must be just, that is, the burdens must be distributed according to proportional equality; and, finally, they must be issued by a legislator within the bounds of jurisdiction (1, II, 90, 4). Any norm which fulfils these three conditions is binding both in *foro conscientiae* and in *foro externo*. If the conditions are not fulfilled, passive resistence becomes a duty since even God cannot dispense with the prescriptions of the *lex naturalis* (1, II, 100, 8 ad 2). The hierarchy of the threefold norms has been carried out with meticulous care.

There is no doubt that thomistic Natural Law is, on the whole, a kind of codification of the feudal order, a completely authoritarian order.[3]) Saint Thomas accepts and justifies the distinction between *sui* and *alieni juris* (2, II, 183, 1), between the *optimates* at the top, the *populus honorabilis* in the middle, and the *vilis populus* at the bottom of the social pyramid (I, 108, 2). Even slavery, though a necessary evil, is legitimate, and property is by no means the product of original sin. The doctrine of original communism is therefore rejected.[4])

Insofar as thomism endows a profoundly antagonistic society with the sanctity of Divine and Natural Law, it is no more valid than any

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[1]) *Über die gegenwärtigen Parteien in Staat und Kirche*, Berlin 1883, p. 23.

[2]) *Summa Theologia*, 1, II, 91, 2.

[3]) J. N. Figgis, *Studies in Political Thought from Gerson to Grotius*, Cambridge, England, 1931, p. 12; Schwer, op. cit., p. 9.

[4]) Bede Jarrett, *Social Theories of the Middle Ages*, Boston 1926, p. 104; Schwer, op. cit. p. 34.

other Natural Law theory. But to see thomism merely as a kind of ideology intended to cover feudal exploitation with the cloak of an eternally valid law is to present but one aspect of the system. The recognition of man as a rational creature means that "every individual is by virtue of his eternal destination at the core wholly and indestructible even in relation to the "Highest Power."[1]) The doctrine thus contains a psychological dynamism which completed itself in spite of the mere ideological character of parts of the thomistic theory. It is just this rational and fundamentally optimistic theory of man which sets the thomistic doctrine against political Augustinism and the adoration of thaumaturgic kings. Thomism is the response of the catholic church to the challenge of political Augustinism. Thomism also gave the church a weapon for attacking the superstitious adoration of kings who, through the unction, claimed charismatic powers. The belief in the *mana* of kings, particularly expressed in their alleged healing power, ran counter to the very foundations of the church. It placed the king above the church and made him God-like. The king is then not merely "God's deputy on earth," to use Bracton's phrase, but he becomes a little God himself. The idea, oriental in origin, was transplanted in the west through Alexander of Macedonia, who claimed and received veneration as God.[2]) It was in full swing under Augustus, who was acclaimed as the Messiah. It was accepted by the Germanic tribes, where the charisma were supposed to reside in the tribe.[3]) It was bitterly attacked by the church although, to a large extent, the church was responsible for the continuous life of this superstition. When the Carolingians overthrew the Merovingians by their famous *coup d'état*, it was the church which, through Pipin's unction, endowed him and his successors with supernatural justification. The Pope, as the oracle of Natural Law, even made the unction a sacrament, thus admitting that the king is God's vessel and that God's grace rests upon him: In doing so, the Church, for reasons of expediency, abandoned its old policy of fighting against the veneration of the Byzantine kings, especially the *Proskynesis*. It soon had to take up the fight against the increasing deification of kings. The French kings from Robert the Pious, and the English kings from the Plantagenets, claimed and practised the power to heal, especially to heal scrofula (the "King's Evil"). The Gregorian dispute was not merely a fight for power between the

[1]) Otto Gierke (transl. Maitland), *Political Theories of the Middle Ages*, Cambridge, England, 1927.

[2]) Julius Kaerst, *Studien zur Entwicklung und theoretischen Begründung der Monarchie im Altertum*, München, Leipzig 1898, pp. 40, 41.

[3]) Fritz Kern, *Gottesgnadentum und Widerstandsrecht im früheren Mittelalter*, Leipzig 1914, p. 20.

secular and spiritual authorities, but the fight of a rational doctrine of Natural Law and against the magic and supernatural powers of kings.[1]) In the course of the discussion, the unction ceased to be considered as a sacrament, the emperor became a layman like any other, and throughout the middle-ages and far into the 18th Century the church waged a tireless war against the superstitious practices.[2])

Only when seen in this dual polemical position is it possible to understand the essentially progressive trait of thomistic Natural Law, in spite of its ideological character.

VII.

It is exactly on this point that we can clearly see the incompatibility of Calvin's political theology and, to a lesser degree, of Luther's doctrine, with Natural Law. Calvin's political thought is directed against two opponents: medievalism on the one hand and the revolutionary Natural Law of the sects on the other. Thomas Aquinas is as much his enemy as are the anabaptists.[3]) Man is no "rational creature," for his "integrity of understanding has been destroyed"[4]) by his fall. Truth cannot be perceived for there is only a restricted capacity of perception. The ultimate truth can never be ascertained by reason but merely by God's grace.[5]) "Here we are led back to our birth in order to show us that the reason which we possess is a gift of God outside of our nature . . . when a child leaves the womb of his mother, what wisdom does it possess? . . . a child is less than the poorest beast . . . how is it that we possess the spirit of intelligence when we have come to age? It is necessary that God gives it to us."[6]) God's election is not a reward for a pious life or

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[1]) Marc Bloch, *Les rois thaumaturges. Étude sur le caractère surnaturel attribué à la puissance royale particulièrement en France et en Angleterre.* Strasbourg, 1924, p. 123. Bloch reproduces a particularly important letter from Gregor VII to Archbishop Hermann of Metz. I give an English translation: "Where does one find among the emperors and kings a man who equals by his miracles St. Martin, St. Anton or St. Benoît, not to speak of the Apostles or martyrs; who is the emperor or king, who has resuscitated the dead, given health to the lepers and light to the blind? Consider the emperor Constantine, of pious memory, Theodore and Honorius, Charles and Louis, all friends of justice, propagators of the Christian religion, protectors of the church; the Holy Church praises and reveres them; it does not indicate that they have excelled by the glory of such miracles."

[2]) The great medieval English humanist, John of Salisbury, *Policraticus* ed. Webb (Oxford 1919) Vol. I, p. 202, denounced the thaumaturgic powers of the kings as a dangerous regression.

[3]) J. W. Allen, *A History of Political Thought in the Sixteenth Century*, London, 1928, pp. 35-48.

[4]) *Institution Chrétienne* II, 2, 14.

[5]) op. cit. II, 2, 12.

[6]) quoted and translated from Marc-Edouard Chenevrière, *La Pensée Politique de Calvin*, Geneva-Paris, 1937, p. 59. The quotation is from *Corpus Reformatorum*, Vol. 33, p. 542.

for good works, it is an arbitrary decision and may even be conferred upon a pagan. The ruler, the magistrate, the successful business man, the political leader, the foreman in the factory, all of them owe their position to God's election. They must, therefore, be obeyed. It is not the abstract authority relation which receives the sanctity, but, rather, the concrete holder of power who is endowed with charismatic qualities. There can thus be no trace of Natural Law. If the conscience of man is corrupt, so is Natural Law. The law of nature does not make it possible to perceive God's justice.[1]) Conscience and Natural Law are unable to teach us our behaviour. The State is neither a natural institution nor the product of man's needs and wants. It is God's institution. By establishing the "divine right of the established order,"[2]) Calvin demanded voluntary obedience to all the established powers.

Two objections may be raised. First, Calvin sometimes speaks of a mutual obligation between rulers and ruled. But he explicitly and implicitly denounces the mediaeval doctrine of the governmental contract, and there can be no doubt that the obligation which he has in mind is not a contractual one but unilateral towards God.[3])

Secondly, there is the famous proclamation of the right to resist conceded to those magistrates who have the constitutional right to do so.[4]) This statement, of which much has been made in the history of political thought, does not give the slightest indication that Calvin recognizes some kind of Natural Law.[5]) If the Protestant monarchomachs[6]) used Calvin's institution they falsified French history in order to fabricate a historic right of resistance against the monarchy. If Henry of Navarre encouraged Hotman to continue his "researches" into French history together with Duplessis-Mornay[7]) in order to solidify Henry's position, Natural Law plays no rôle. Here are *ad hoc* doctrines not based on original rights of man but on so-called historical rights of certain privileged groups. If John Knox in Scotland, in attacking his Catholic queen, arrogated to himself the right of resistance, he might have deviated from Calvin's Institution or he might have considered himself the "saviour of his people,"

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[1]) *Institution Chrétienne*, II, 8, 1; IV, 20, 16.

[2]) Georges de Lagarde, *Recherches sur l'Esprit Politique de la Réforme*, Paris, 1926, p. 227.

[3]) *Institution Chrétienne*, IV, 20, 29; IV, 20, 27.

[4]) op. cit. IV, 14, 17.

[5]) Kurt Wolzendorff, *Staatsrecht und Naturrecht in der Lehre vom Widerstandsrecht gegen rechtswidrige Ausübung der Staatsgewalt*, Breslau, 1916, has shown that Calvin's right of resistance is a mere generalization from existing constitutions.

[6]) esp. Francois Hotman, *Francogallia*, 2nd ed. Colonia 1574, and the author of the *Vindiciae*.

[7]) Beatrice Reynolds, *Proponents of Limited Monarchy in Sixteenth Century France*. Columbia Dissertation, New York, 1931, p. 92.

the latter concept playing a decisive rôle in Calvin's system. The stress which has always been laid on the right of resistance by magistrates has tended to overshadow another means of overthrowing established government outside the framework of the constitution. Calvin maintained that God may send the people a providential saviour.[1]) He may appoint one of his servants and send him out to punish an unjust ruler and deliver the people from oppression. It is again characteristic that the deliverance of man from despotic rule is entrusted to a charismatic leader. The oppressed themselves are never allowed to revolt. The only freedom left to the oppressed is to obey either their ruler or their saviour. The anti-rational and anti-Natural Law is thus apparent not only in Calvin's doctrine of authoritarian rulership but equally in his doctrine of revolution.[2])

VIII.

There is a profound difference between the conservative Natural Law doctrine of thomism and the rationalistic—absolutistic doctrines of Hobbes, Spinoza and Pufendorf. At first sight the three systems appear to be profoundly retrogressive since they apparently sacrifice human rights to the all pervasive power of the state. Hobbes' theory must, however, be contrasted with the Tudor[3]) and Stuart[4]) theories of kingship. "The King is, in this world, without law, and may at his lust do right or wrong, and shall give accounts but to God only."[5]) This is no longer the medieval theory of kingship which placed the king under Natural Law and made him responsible not merely to his

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[1]) *Institution Chrétienne*, IV, 14, 17.

[2]) I do not deal with Luther's political theory because he has none. His concept of Christian Freedom, although conceived entirely as inner freedom (*Of Christian Freedom*, 1520), where freedom of the soul and subjection to external authorities are merged, still allows the opposition of a bad world by a truer and better one. Luther, in contrast to Calvin, distinguishes between the office as such, which may and must demand unconditional obedience, and the office-holder. In spite of the authoritarian character of his political writings, Lutheranism could, because of the concept of inner freedom, become the ideological basis for the revolutionary Natural Law of the sects (i.e. *das Magdeburger Bekenntnis*, cf. Allen, op. cit. pp. 103-106) and the constitutional Natural Law of Melanchton. The relation of Luther to Natural Law is still the subject matter of much controversy.

The following are important:

Karl Holl, *Gesammelte Aufsätze zum Kirchengeschichte*, Vol. I, 4th and 5th ed. Tübingen, 1927, esp. pp. 155 seq. and 239 seq.

Eugène Ehrhardt, *La Notion du Droit Naturel chez Luther*, Paris 1911.

Franz Xaver Arnold, *Zur Frage des Naturrechts bei Martin Luther*, München 1937 (catholic, with imprimatur).

[3]) An excellent presentation of the Tudor theory of kingship is presented by Franklin van le Baumer, *The Early Tudor Theory of Kingship*, New Haven, 1940.

[4]) The best analysis of the theory of kingship of James I has been given by Charles H. McIlwain in his introduction to *The Political Works of James I*, Harvard, 1918.

[5]) W. Tyndale, "Obedience of a Christian Man" in "*Doctrinal Treatises by W. Tyndale*" ed. H. Walter (Parker Society) Cambridge, 1843, p. 178.

conscience but to man. Henry VIII is likened to the "Son of Man." One "dares not cast (his eyes) but sidewise upon the flaming beams (of the king's) bright sun which (he) in no wise can steadfastly behold."[1]) Obedience to Henry VIII was not merely a civil duty; it also became a religious duty. Lutheran and Calvinist doctrines, remnants of medieval Natural Law, and above all the adoration of the king's person, form the hodge-podge which constitutes the theoretical basis of the Divine right. Nor were the Stuart theories any better.

Yet the need for concentration of national power was indisputable. A secular state was needed, free from the supremacy of the Catholic church, capable of fighting foreign invasion, subordinating local and feudal autonomies. The rule of the king could, in the period of religious schism, no longer be justified by thomistic Natural Law. The adoration of the king may have been expedient so long as the king really seemed to emanate some kind of charisma. This is hard to conceive with Henry VIII and impossible to imagine with Charles I. There remained but one doctrine: the theory of the social contract, derived from the pessimistic view of man's nature. It provided the means for establishing authority and justifying any authority which could protect the frontiers, restore peace and order, and secure property. In spite of its absolutistic character, Hobbes' theory is, however, at its core democratic.[2]) The democratic starting point is clearly expressed by Hobbes himself. The "people rule in all governments," because every government, when first established, was necessarily a democracy.[3]) The democratic kernel and the inherent revolutionary dynamics were clearly perceived by the Court and rejected by the ruling classes, who were afraid and ashamed of that outspoken philosopher whose materialism allowed no veiling ideology. "I never read a book which contained so much sedition, treason and impiety" exclaimed Charles II. The contemporary political theory recognized this revolutionary tendency as clearly as Friedrich Julius Stahl did subsequently.[4])

The same holds true of Spinoza. The establishment of the secular and rationally justifiable authority in Holland was a much more progressive postulate than any of the political demands of other groups. The flirtation of William of Orange with the democratic movement is no more edifying than the pseudo-democratic theories.

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[1]) from Baumer's book, p. 86.

[2]) A very careful analysis of the change in Hobbes' social contrast theory has been made by Frédéric Atger, *Essai sur l'Histoire des Doctrines du Contrat Social*, Paris 1906.

[3]) *Philosophical Rudiments*, Molesworth, ed. Vol. II, pp. 100, 160.

[4]) Gierke draws attention to the absolutist Johann Friedrich Horn who, in his *Politicorum pars architectonica de Civitate*, Traj. a. Rh. 1664, denounced Hobbes as a revolutionary. Gierke, *Althusius* (transl. as *The Development of Political Theory* by B. Freyd) New York 1938, pp. 76, 79, 177.

Pufendorf, in his rather flat rationalism, considers Natural Law as an imperfect obligation lacking the necessary sanctions. The fulfillment of Natural Law is "left solely to the divine judgment seat,"[1]) and "neither the fear of divinity nor the sting of conscience are sufficient."[2]) At the same time Pufendorf laid the basis of the *Rechtsstaat* theory. From the maxims of his Natural Law he developed a complete and self-sufficient system of rational law which, with almost mathematical precision, defined the rights and duties of the citizens, their contractual relations, the protection of their liberty and property. So complete was this system that, far into the period of liberalism, it could still serve as the textbook of jurisprudence.[3])

We may sum up: Although the absolutistic theories of Natural Law sacrifice human rights to the need for establishing a central coercive authority, they are predominantly rational because they base the authority upon the consent of man. They, too, must therefore recognize the essential and indestructible rationality and equality of man.

IX.

We do not need to add much about revolutionary Natural Law doctrines. It would be wrong to assume that they are always progressive. They are often merely devices to entice dissatisfied masses and to utilize them for narrow and completely egotistic aims. From the abundance of material, hardly ever discussed, we may choose, at random, some examples of this social phenomenon. There seem to be genuine revolutionary Natural Law doctrines in the heterodox theories of the middle-ages, especially in Latin Averroism. The most striking misuse of a genuine revolutionary Natural Law doctrine is that in the Albingensian movement. A movement, pledged to realize a perfect life on this earth, fighting against simony and Nicolaism—which had been resurrected in spite of the Gregorian reform—, a movement which attacked a vulgar and debauched clergy, challenged the right of property and rejected the right and duty to carry arms; which advocated, though obscurely and in a very contradictory way, some kind of socialism deduced from original rights of man,[4]) was misused by feudal aristocrats and finally exterminated.

Nor can we find any progressive Natural Law doctrine in the

[1]) *Elementorum Jurisprudentiae Universalis* (1660) (transl. Oldfather). Classics of International Law, Oxford, 1931, p. 160.

[2]) *De Officio Hominis et Civis Juxta Legem Naturalem*, 1623 (transl. Moore). Classics of International Law, Oxford, 1927, p. 104.

[3]) Pufendorf's position and influence are almost identical with that of Blackstone.

[4]) P. Alphandéry, *Les Idées Morales chez les Hétérodoxes Latins au XIIIe Siècle.* Paris, 1903.

disputes between Philip the Fair and Boniface VIII. The theories of the curialists (especially Aegidius Romanus) and of the Royal party (John of Paris, William Nogaret, Pierre Dubois) are opportunist theories of the very worst kind.[1]) We must not forget that the apologists of Philip the Fair (like William Nogaret) and of Ludwig of Bavaria (like William Ockham[2]) never hesitated to endow their masters with supernatural qualities,[3]) selecting their arguments from every available doctrine whether it be Augustine or St. Thomas, Aristotle or the Roman Lawyers, the Old or the New Testament.

The mere demagogic function of revolutionary Natural Law becomes very clear in the doctrines of the Catholic monarchomachs, Jean Boucher[4]) and Guillaume Rose.[5]) Boucher's and Rose's theories are apparently democratic and far more consistent than those of their calvinist opponents. It is important to ascertain the social function of these democratic theories, because they became historical realities in the struggle of the League and of the City of Paris against Henry III and Henry VI. The New League of 1585, organized for the fight against Protestantism, had a firm hold upon the lower classes, fortified by the mob which soon played an outstanding rôle.[6]) The new program of the League promised everything to everybody: the restoration of true religion; of the liberties of the nobles; to help the people; to defend the rights of the *Parlements* and to demand the regular convocation of the Estates General. This did not prevent the alliance of the League with the Duke of Guise and with Spain. The ensuing civil war follows a familiar pattern. In the name of original human rights and of Natural Law, the League exhorted its adherents to kill and murder opponents. The City of Paris sent emmissaries into the provinces in order to organize them on a strictly democratic basis. The demagogic character of Boucher's theory becomes still clearer after the accession of Henry IV. Paris was organized in 16 *Quartiers*. A municipal democracy was established with full concentration of legislative, administrative and judicial powers, which were finally transferred to a Council of Ten (1591). Emigrés were perse-

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[1]) Richard Scholz, *Die Publizistik zur Zeit Philipp des Schönen und Bonifaz VIII*, Stuttgart, 1903.

[2]) Richard Scholz, *Unbekannte Kirchenpolitische Streitschriften aus der Zeit Ludwigs des Bayern*, Part I, Rome, 1911 §11; Part II, Rome, 1914 s. XII.

[3]) Bloch, op. cit., pp. 129, 142.

[4]) *De iusta Henrici Tertii Abdicatione e Francorum regno*, Paris, 1589, and *Sermons de la simulée Conversion et Nullité de la Prétendue Absolution de Henry de Bourbon*. Paris, 1594.

[5]) Rose has been identified by Charles H. McIlwain as the English refugee William Reynolds. cf. Charles H. McIlwain, *Constitutionalism and the Changing World*, N. Y. 1939 (Who was Rossaes?) Rose's work was *De Justa Reipublica Christianae in Rege Impius*. Paris 1590.

[6]) Lavisse-Mariéjol, *Histoire de France*. Vol. VI, 1, Paris, 1905, p. 243.

cuted, their property confiscated, and revolutionary tribunals instituted. We have here a specific revolutionary Natural Law, a forerunner of that of the French revolution and of the Paris Commune of 1870. The doctrine of the social contract was used to invest popular bodies with full and even terroristic powers, completely discarding the separation of powers for which the French *Parlements* and the Estates General had been fighting and continued to fight. Though the organizational forms of the religious wars were revolutionary, the social aims were in no way so. Boucher, Rose, Dorléans, and other Catholic leaders of the League were genuinely concerned with the restoration of the Catholic religion. But the decisive powers, the feudal leaders at the top and the mob at the bottom, cared little for religious disputes. Instead, they used religion and the social protest of the impoverished masses for so complete a perversion of these postulates that the outcome of the religious wars was merely the stabilization of the royal authority and the complete suppression of democratic and liberal natural law.

X.

Finally, we must mention the constitutionalist doctrines. Only a mere mention is necessary since they are very well known and, besides, have recently received admirable treatment from Charles Howard McIlwain.[1]) The constitutionalist doctrine may, as we already mentioned, be linked to any theory of the State except the charismatic one. It simply contains the demand for a restriction and limitation of the sovereign power by a system of norms which are regarded as being above the positive laws of the State. The line of development of the constitutionalist doctrine is clear. It runs from stoic natural law to the Roman jurists and Cicero. It pervades the legal and political thought of the middle ages. It becomes the theory of the French enlightenment.

That, of course, does not mean that modern constitutionalism is solely the product of liberal Natural Law. I have tried to show, in an earlier article in this journal[2]) that in continental Europe the influence of Descartes and mechanistic philosophy, especially on Montesquieu, must not be overlooked. Nor can restrictions imposed upon the sovereign power by tradition (such as the common law in England or the *Lois Fondamentales* in the *ancien régime*) be identified with Natural Law. Constitutionalism is thus made up of three

[1]) *Constitutionalism, Ancient and Modern, Ithaca,* 1940.

[2]) "Der Funktionswandel des Gesetzes im Recht der bürgerlichen Gesellschaft," *Zeitschrift für Sozialforschung,* VI (1937) pp. 542-596, esp. p. 556.

elements: optimistic Natural Law, mechanistic philosophy—that is, the belief in abstract general rules providing for calculable and predictable relations between the states and its citizens—, and common law embodying an old tradition. Constitutionalism likewise takes three forms: the German *Rechtsstaat*, where rights are preserved not by the participation of the citizens in the formation of the general will, but by the construction of an elaborate legal system providing for the highest amount of calculability; the English doctrine of the Sovereignty of Parliament and the Rule of Law where the protection of life, liberty, and property is primarily secured through the democratic origin of legislation and the tradition of common law; and the American form of judicial supremacy, which protects rights through judicial review of legislative acts, attempting to extend it over administrative decisions.

The one problem produced by the antagonism between the democratic conceptions and the liberal theories, cannot be exhaustively discussed here. I again refer to my earlier article. The doctrine of natural rights may very well be used for entirely reactionary aims, namely for the sabotage of democratic processes.[1]) The insistence upon the primacy of a liberal as compared with a democratic Natural Law is often the first step of a counter-revolution. To deal with these trends would involve a considerable enlargement of the present study. But though reactionary, even this perverted doctrine of Natural rights does at least contain elements of a rational theory of law. Though used for preserving antiquated positions, it still allows some discussion. The weakness of the constitutionalist doctrine is that it maintains its absolute and equal validity against any theory of the State, even against the democratic one. The democratic theory of Natural Law is, however, on the whole, a truer one than any other, since it provides for the rational justification of the State.

[1]) That is why it has been rejected by Linguet, the famous critic of the rationalistic-liberal natural law doctrines. (*Théorie des Lois Civiles.* London, 1767, 2 Vols.)

Conclusion.

We may sum up the results of our analysis.

1. Every Natural Law theory, whether optimistic, pessimistic or agnostic, whether conservative, absolutistic, revolutionary, democratic or liberal, is based on the view that man is a rational creature.

2. It follows that only man and not artificial persons, like corporations or states, can base his rights on the law of nature.

3. Natural Law thus insists on the universality of law and the impossibility of reducing any man to the status of a slave.

4. It implies the impossibility, rationally to justify any kind of tyranny and oppression.

5. The truest of all Natural Law doctrines is the democratic one. Wherever a democratic Natural Law theory exists, a liberal one can only have a subsidiary function.

6. Whenever Natural Law doctrines deduce elaborate systems with political and social postulates (whether it be private property or socialism) they are arbitrary and have no validity.

7. The principles which are still valid, although not solely derived from Natural Law, are the generality of the law, the equality of men, the prohibition of individual legislative decisions, the impossibility of retroactive legislation, especially in penal law, and an independent judiciary.

This may be little. But that little stands in complete contrast to authoritarian theory and practice.

Les origines sociales de l'incrédulité bourgeoise en France.

Par
Bernard Groethuysen.

Au cours de la seconde moitié du XVIII[e] siècle, on voit se développer en France le sentiment très net que les temps ont changé. Entre le présent et le passé, il semble que les liens soient rompus. Un homme nouveau a pris conscience de lui-même et renie les traditions. Mais il serait bien incapable de préciser en quoi exactement il se distingue de ses ancêtres et ce qu'il y a de réellement neuf. Il n'a pas trouvé sa formule. Une révolution s'est produite, mais elle s'est produite, pour ainsi dire, sans lui. Il n'y reconnaît pas encore son œuvre et se borne à la constater: il n'a pas encore fait sa révolution. Pour l'instant, il discute de tout, il met tout en question; il a le sentiment que ce qui est ne correspond pas à ce qui devrait être; il s'essaie à penser autre chose. Mais il sait encore mal ce qu'il veut. Il y a certainement une fermentation des esprits; mais on n'aperçoit pas encore une idée dominante, une "programme," et on ne se rend pas bien compte de ce qui fait l'unité du mouvement.

C'est aussi ce qui semble rendre particulièrement difficile la tâche de l'historien et du sociologue qui voudraient saisir les profonds changements dont parlent les contemporains. Si le sociologue s'en tient aux livres des philosophes du temps, il risque souvent de prendre des idées spéculatives ou de simples paradoxes pour des conceptions généralement admises, pour des manifestations de l' "opinion publique." Pourtant, il semble bien que quelles que soient les incertitudes de l'esprit nouveau et les différences entre ceux qui s'en réclament, il y ait quelque chose qui leur soit commun: l'incrédulité. L'homme nouveau a cessé de croire. Il renie son passé religieux et vit en dehors de la communion des fidèles. Et c'est à son incrédulité qu'il se reconnaît; c'est elle qui lui permet de s'affirmer lui-même comme homme de son temps en face du passé. C'est dans son opposition à la foi que la bourgeoisie nouvelle en France a pris conscience d'elle-même, avant de pouvoir encore s'affirmer comme classe et formuler ses revendications.

"Ceux qui nous ont précédés dans la carrière évangélique,"

dit l'abbé Poulle, "ont vu et déploré les mêmes égarements, mais ce qui n'appartient qu'à notre siècle, et ce qui était réservé à notre douleur, nous voyons tramer une conspiration contre le Seigneur, le Dieu d'Israël presque sans adorateurs."[1]) Quel est le pasteur qui n'ait vu avec étonnement la foi diminuer, s'éteindre, s'anéantir d'un jour à l'autre, disent les prédicateurs, et ce qui leur paraît particulièrement grave, c'est qu'il ne s'agit plus de tel article de foi que l'enfant du siècle mettrait en doute, mais de tout l'ensemble de la doctrine catholique. "Ce n'est plus un seul point de la religion que l'on attaque; c'est tout le corps de la religion que l'on renverse," disait déjà l'abbé Pacaud.[2]) "Ce ne sont plus de dogmes particuliers, c'est la religion entière que l'on attaque: ses ennemis ne s'arrêtent plus à abattre ses rameaux; ils ont porté la cognée à la racine"[3]), lit-on dans une Instruction pastorale.

Mais comment arrêter le mal? se demandent les représentants de l'Église. "Le scandale est si grand, l'aveuglement si général, l'insensibilité des cœurs si profonde, en un mot, les excès sont si multipliés et le mal s'accroît si visiblement qu'il semble que nous touchions à l'époque de l'extinction du flambeau de la foi dans cet Empire; il n'y répand qu'une lueur faible et languissante, à peine y voit-on quelque vestige de la religion de nos pères; si un petit nombre de fidèles, précieux restes de sa fécondité, ne s'est pas encore laissé entraîner dans le torrent, tiendront-ils longtemps contre les amorces de la séduction? Et ne devons-nous pas craindre que bientôt il n'y ait plus de foi parmi nous?"[4]), dit un évêque.

On pourrait donc croire, en écoutant certains prédicateurs, que la fin de l'Église est proche et que "seul un miracle divin pourrait encore la sauver." Car où pourrait-elle encore trouver des fidèles? "Le poison se répand à vue d'œil dans les familles, dans les cercles, dans les sociétés, dans les différents corps de l'État, et nous sommes menacés d'une défection générale. On a honte de paraître chrétiens"[5]), lit-on dans un écrit du temps. Ce sont de "vrais orages d'impiété," dit un prédicateur rouennais. "Déjà les leçons de l'impiété retentissent jusque dans les provinces les plus éloignées de la capitale"[6]), lit-on dans un Mémoire adressé au Roi par l'As-

[1]) L'abbé Poulle, cité dans: La Harpe, Lycée, 1829, t. XIV, p. 75.
[2]) L'abbé Pacaud, Discours de piété sur les plus importants objets de la religion , 1745.
[3]) Instruction Pastorale de Monseigneur l'Évêque de Langres sur l'excellence de la religion, 1786, p. 4 ss.
[4]) Instruction Pastorale de l'évêque de Lodève sur les sources de l'incrédulité du siècle, 1765.
[5]) Pelvert, Lettre d'un théologien à M.*** où l'on examine la doctrine de quelques écrivains modernes contre les Incrédules, 1776, p. 4.
[6]) Procès-verbal de l'Assemblée générale extraordinaire du Clergé de l'année 1782, 1783.

semblée générale du Clergé de 1782. En effet, comme nous le dit l'évêque de Langres, la contagion de l'incrédulité gagne de proche en proche, "son souffle empesté frémit déjà autour de la cabane du pauvre et des ateliers de l'artisan."[1])

Mais comment expliquer que l'incrédulité ait pu ainsi étendre son empire et qu'on assiste tous les jours à ses "effroyables progrès"? Que tel individu, épris de l'indépendance et préférant se fier à ses propres lumières, abandonne les traditions et s'isole de la communauté des croyants, cela s'était vu de tout temps et l'Église, forte de son autorité et sûre de l'appui de la masse des fidèles, n'était pas embarrassée pour répondre aux "esprits turbulents." Mais la communauté des fidèles voit maintenant se dresser devant elle une autre communauté, dont elle distingue mal les caractères. Ceux qui sont devenus incrédules ne parlent plus chacun en son propre nom; l'incrédulité n'est plus le propre de tel individu. On est incrédule comme autrefois on était croyant, on ne l'est pas par un esprit de singularité; on l'est parce qu'en restant le croyant d'autrefois on trahirait une cause commune, on s'exclurait de la nouvelle communauté qui s'est formée entre temps et qui se dresse contre l'Église. Mais comment l'incrédulité, qui d'abord n'avait été en France que le fait de l'individu affirmant son indépendance, est-elle devenue un des caractères distinctifs de toute une société?

"Oui, mes Frères," dit Massillon, "tous nos prétendus incrédules sont de faux braves, qui se donnent pour ce qu'ils ne sont pas: ils regardent l'incrédulité comme un bon air; ils se vantent sans cesse de ne rien croire; et à force de s'en vanter, ils se le persuadent à eux-mêmes: semblables à certains hommes nouveaux que nous voyons parmi nous, lesquels touchent presque encore à l'obscurité et à la roture de leurs ancêtres, et veulent pourtant qu'on les croie d'une naissance illustre et descendus des plus grands noms; à force de le dire, de l'assurer, de le publier, ils parviennent presque à se le persuader à eux-mêmes. Il en est ainsi de nos prétendus incrédules: ils touchent encore, pour ainsi dire, à la foi qu'ils ont reçue en naissant, qui coule encore avec leur sang, et qui n'est pas effacée de leur cœur; mais c'est pour eux une manière de roture et de bassesse dont ils rougissent; à force de dire qu'ils ne croient rien, de l'assurer, de s'en vanter, ils croient ne rien croire, et en ont bien meilleure opinion d'eux-mêmes."[2])

Ce roturier de l'incrédulité du début est encore "peuple," il

[1]) Instruction Pastorale de Monseigneur l'Évêque de Langres, p. 5.
[2]) Massillon, Œuvres. Ed. Lefèvre, 1938, t. I, p. 397.

s'essaie à ne pas croire, mais souvent il y réussit mal; il est encore mal guéri de la foi; les croyances d'antan le guettent; des peurs secrètes le menacent; il n'est pas sûr de lui-même, il lutte contre la coutume de la foi qu'il n'est pas encore parvenu à déraciner en lui. "Que de combats, l'impie est-il obligé de soutenir contre les principes de l'éducation, contre les maximes de la vie commune, contre les exemples de ceux avec lesquels il lui faut vivre et agir? . . . Tout cela peut-il se détruire, s'anéantir si absolument dans un esprit qu'il n'y reste plus aucune épine capable de le piquer, de le rendre au moins inquiet sur son état?"[1]) Ainsi le cœur du libertin sera-t-il souvent resté chrétien, tandis que son intelligence traite de préjugés ce que parfois, sans le savoir, il croit encore. "C'est que nos incrédules ne sont point fermes dans l'incrédulité," dit Massillon. "Ils blasphèment la religion qu'ils conservent encore dans le cœur; ils résistent à la conscience qui prend en secret le parti de la foi contre eux-mêmes." C'est pourquoi "la plupart de ces hommes qui se donnent pour incrédules, vivent pourtant dans des variations perpétuelles sur le point même de l'incrédulité. En certains moments, les vérités de la religion les touchent; ils se sentent agités de vifs remords . . . en d'autres, ils se moquent de ces vérités; ils traitent les serviteurs de Dieu avec dérison, et la piété elle-même de chimère. . . ." C'est ainsi que l'esprit fort, tout en prêchant l'impriété, ne peut "réussir à devenir lui-même totalement impie."[2])

Si les profanes ne savent plus croire d'une foi simple, ils ne sont pas sûrs de pouvoir ne pas croire. On les entendra dire, en s'adressant aux prédicateurs, "qu'ils se convertiraient, s'ils étaient bien sûrs que tout ce que nous leur disons de la religion fût véritable; que peut-être il n'y a rien après cette vie; qu'ils ont des doutes et difficultés sur nos mystères, auxquels ils ne trouvent pas de réponse qui les satisfasse; qu'au fond, tout paraît assez incertain. . . ." Mais essayant alors de l'incrédulité, ils ne savent non plus être fermes et assurés dans leur irréligion, et "voudraient pour se rassurer rencontrer quelqu'un qui leur parût véritablement affermi dans ce parti affreux." Il y a lutte en eux entre une âme qui a encore conservé bien des traces du christianisme et une intelligence qui craint "d'en trop croire." S'ils croient encore, ils ne peuvent plus avouer leur foi, et quand ils désavouent la foi, ils ne peuvent s'empêcher de croire encore.

L'Église, pour lutter contre "ces faux héros de l'impiété,"

[1]) Migne, Collection des orateurs chrétiens. Première série, t. 28, col. 549 ss.: De la Rue, Sermons.
[2]) Massillon, l. c., t. I, p. 396, 398, 392; t. II, p. 653.

prend, pour ainsi dire, chacun des impies à part. Elle guette ses moments de faiblesse; elle en appelle à ses dires, à ses sentiments, de ses raisonnements à son cœur. "Écoutez-vous, vous-mêmes," dit Massillon, "et vous serez fidèles." C'est aussi pourquoi ceux qui se disent ne pas croire ne sont souvent que des "hypocrites de l'impiété et du libertinage." "La plupart de ceux qui se disent incrédules, ne le sont pas," dit Massillon; ils se "donnent sans cesse le change à eux-mêmes, et ne paraissent ce qu'ils ne sont pas que parce qu'ils souhaitent de l'être." Ils jouent un "personnage emprunté." Pour leur arracher le masque, les prédicateurs invoqueront, non sans malice, la fin du libertin qui au dernier moment se convertit. "D'où vous viennent dans ce dernier moment, ces sentiments de crainte, de respect pour l'Être suprême? N'est-ce pas parce que vous les aviez toujours eus, parce que vous aviez imposé au public par une fausse ostentation d'impiété, et que la mort ne fait que développer les dispositions de foi et de religion que vous aviez toujours conservées pendant votre vie?"[1])

Il n'y aurait donc encore, comme le prétend l'abbé Trublet, que "peu d'incrédules bien affermis dans leur incrédulité."[2]) Pour se rassurer, ceux qui s'essaient à ne pas croire, demanderont aux autres qui se disent chrétiens, si eux y croient réellement. Ils leur démontreront que leurs actions ne sont guère d'accord avec la prétendue foi qu'ils confessent, ou bien ils railleront ceux qui croient, les traitant d'esprits faibles qui ne savent pas raisonner. Mais pour se prouver alors à lui-même et aux autres qu'il est réellement au-dessus des "terreurs du vulgaire," l'incrédule dépassera facilement, dans ses affirmations, la mesure de ce qu'il est en vérité en état de ne pas croire, son "désir de l'incrédulité"[3]) le poussant parfois à dire ce qu'il ne pense pas. Aussi, recherchant le paradoxe, l'esprit fort se laissera-t-il souvent entraîner à prendre le contre-pied de tout ce qui est admis, et voulant trop prouver, se mettra-t-il dans son tort. Les prédicateurs, le prenant au mot, démontreront par son exemple à quelles conséquences dangereuses l'incrédulité doit mener.

Ce qui manque encore à ses incrédules du début—qui ne sont encore que des isolés et n'ont pas trouvé de nouvelles mesures pour remplacer les anciennes—c'est le contrôle qu'exercera plus tard sur les idées et sur les sentiments une vie bourgeoise bien réglée qui déterminera ce qui est admissible et ce qui ne l'est pas. Pour l'instant, les incrédules la plupart du temps se complaisent dans

[1]) Ibidem, t. I, p. 388, 396, 143, 390, 56, 398, 393.
[2]) Trublet, Essai sur divers sujets de littérature et de morale, 2e édition, 1747, p. 425.
[3]) Massillon, l. c., t. I, p. 390.

leur rôle d'originaux, de personnages qui ne sont pas et ne pensent pas comme les autres. "Le libertin," dit Bourdaloue, "renonce à sa foi par un esprit de singularité, pour avoir le ridicule avantage de ne pas penser comme pensent les autres, de dire ce que personne n'a dit, et de contredire ce que tout le monde dit. . . ."[1]) Il affecte "d'avoir un langage à part; il traite avec dédain ce qu'il y a de plus auguste et de plus terrible dans la doctrine de Jésus-Christ, se piquant de force d'esprit et de supériorité de raison."[2])

Bayle, en parlant des libertins, dit qu'on les trouve parmi "les jeunes gens d'une condition plus relevée." Ou, dans un autre passage, "parmi les gens du monde, et surtout du grand monde."[3]) "L'impiété," dira Massillon, "est presque devenue un air de distinction et de gloire . . . c'est un mérite qui donne accès auprès des grands; qui relève, pour ainsi dire, la bassesse du nom et de la naissance."[4]) Aussi "cette plaie a-t-elle passé du palais des grands jusque dans le peuple," dit-il encore, en déplorant l'influence croissante des discours de l'irréligion et des "maximes du libertinage." Mais l'irréligion, en se répandant parmi ceux qui veulent imiter les grands, n'est souvent qu'une affaire de mode. La profession d'incrédulité devient "un bon air," et ceux qui emploient ainsi le "jargon de l'incrédulité" parlent sans vraie conviction. "Ils ne sont pas incrédules; ils ne sont que les échos de l'incrédulité; en un mot, ils savent ce qu'il faut dire pour douter, mais ils n'en savent pas assez pour douter eux-mêmes."[5])

La force de l'incrédulité dans ses débuts se trouve chez ceux qui, sans se soucier de l'opinion commune, courent le risque de ne plus croire et savent à quoi ils s'engagent. Ce sont en quelque sorte des individualistes, des aristocrates de la pensée qui cherchent à s'élever au-dessus des préjugés vulgaires. "Qui fait dans le monde tant de libertins en matière de créance?," demande Bourdaloue, et il répond: "l'affectation d'une vaine et orgueilleuse singularité, dont les libertins se piquent; ils croient qu'il leur suffit d'être singuliers, pour avoir plus de lumière et plus de raison que les autres: ne pas penser comme les autres, et parler autrement que les autres . . . voilà tout le secret de leur libertinage."[6]) Ils se font de l'incrédulité, dit Massillon, "une supériorité de raison et une

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[1]) Bourdaloue, Sermon sur la Religion chrétienne.
[2]) Massillon, l. c., t. II, p. 374.
[3]) Bayle, Réponse aux questions d'un provincial. Œuvres, t. III, p. 1054 et 1058.
[4]) Massillon, l. c., t. I, p. 571.
[5]) Massillon, l. c., t. II, p. 506; t. I, p. 398, 395.
[6]) Bourdaloue, Œuvres, t. II, p. 525.

distinction où ils ne croient pas la plupart des hommes capables d'atteindre." Mais c'est précisément l'esprit de singularité dont font preuve les incrédules, et leur manie de s'attaquer à toutes les opinions reçues sans distinction, qui permettront à l'Église de les condamner au nom de la communauté des honnêtes gens qui tiennent à la morale et aux bienséances. Si l'incrédule prépare la voie à la bourgeoisie éclairée en s'élevant au-dessus des "préjugés populaires"[1]), il est encore trop exclusivement "bel esprit"[2]) pour que la profession de l'incrédulité puisse convenir à toux ceux qui, bien que raisonnant sur la religion, ne sont nullement disposés à laisser enfreindre le bon ordre et les bienséances.

"Car vous qui vous faites honneur de ne pas croire, savez-vous bien ce que c'est qu'un incrédule?," demande Massillon. "C'est un homme sans caractère, sans mœurs, sans probité. . . "[3]) Celui qui abjure la foi tombe nécessairement dans la débauche. "C'est un personnage sans crainte de Dieu et des hommes, capable de tout excepté de vertu et d'innocence"; et ce qui le prouve bien, c'est l' "ostentation de licence et de débauche," le "mépris public de la vertu" qu'on rencontre chez le libertin et qui semble inséparable des "railleries" et des "discours impies." C'est "une singularité de débauche encore plus affreuse que celle de leur doctrine" que Massillon leur reproche. Et c'est "ce fonds de mœurs abominables" qui fait douter de la sincérité de leurs convictions, quand ils s'attaquent à la religion. "Ils protestent d'abord que c'est sans intérêt qu'ils ont secoué le joug de la religion, et que la vérité seule les a forcés de se défaire des erreurs communes; mais leurs mœurs, ô mon Dieu, découvrent l'artifice et la fausseté de leurs discours." Les prédicateurs concluent de là que c'est "la débauche" qui "avait été la première source de leur irréligion." C'est la "volupté" qui "a presque fait tous les incrédules." Leur "cœur était corrompu, avant que leur foi fît naufrage." C'est le "dérèglement" qui conduit au "désir de l'incrédulité." Ainsi les "passions" auraient "toujours été le seul berceau de l'incrédulité: on ne secoue le joug de la foi que pour secouer le joug des devoirs."

Aux reproches que leur adresse l'Église, les incrédules que peuvent-ils répondre? Ils n'ont pas, pour ainsi dire, fait leurs preuves dans la vie. Ils n'ont fait encore que commencer l'expérience de l'incrédulité, sans pouvoir démontrer qu'elle réussit. En face d'eux se dresse la communauté des fidèles. Que peuvent-ils lui opposer qui vaille? Cet incrédule ne mérite donc aucune confiance.

[1]) Massillon, l. c., t. II, p. 506; t. I, p. 395.
[2]) La Bruyère, Caractères.
[3]) Massillon, l. c., t. I, p. 398.

Qui est-il? De quel droit s'élève-t-il contre les manières de vivre et de penser qui sont celles de tout le monde?

Les libertins, pour répondre aux attaques de l'Église, accuseront ses ministres d'être des hypocrites et railleront les dévots. Ils se croiront ainsi justifiés de qualifier "toute piété d'artifice et d'hypocrisie." Mais en prétendant ainsi condamner l'hypocrisie, n'est-ce pas la vertu même qu'ils visent dans leurs attaques? Ce sont les "gens de bien qui sont aujourd'hui le plus en butte à la malignité des discours publics; et l'on peut dire que la vertu fait dans le monde plus de censeurs que le vice," dit Massillon. Ainsi "la tentation la plus ordinaire n'est pas de se glorifier d'une fausse vertu; c'est de rougir de la véritable."[1]) C'est pourquoi les libertins aiment à confondre "l'homme de bien avec l'hypocrite, afin de rendre toute vertu suspecte." Et mettant en doute la foi, ils ne tendent qu'à justifier les vices.

Les libertins confondent donc avec la cause de la foi celle de la vertu. Et c'est ce qui permet à l'Église de les attaquer au nom des "gens de bien." Ils semblent prouver par leurs discours et leurs exemples qu'en cessant de croire on abandonne toute règle de vie. Et l'Église, en prenant la défense de la morale, pourra alors en appeler contre les libertins au témoignage de tous les gens de bien. "Mais quand les gens de bien ne seraient pas si utiles à la terre; quand ce ne serait pas eux qui maintiennent encore parmi nous les restes de la sûreté publique, la bonne foi dans le commerce, le secret dans les conseils, la fidélité dans les affaires, la religion dans les promesses, l'intégrité dans les soins publics, l'amour des peuples dans l'autorité, qu'y a-t-il de plus grand et de plus respectable dans le monde que la vertu?"[2]) Pour réfuter les incrédules, il semble qu'il suffise de dénoncer leurs vices. "L'incrédulité de l'impie et du libertin s'accorde avec le désordre et la corruption de sa vie: donc elle ne vaut rien. En deux mots, voilà sa condamnation."[3])

Ce sera au bourgeois de prouver qu'on peut être incrédule, tout en menant une vie parfaitement réglée, qu'on peut être "honnête homme sans être chrétien." On le disait, il est vrai, déjà du temps de Massillon, et les enfants du siècle citeront bien des exemples d'hommes vertueux sans religion. Mais les prédicateurs leur répliqueront qu'il ne s'agit que d'un "fantôme d'honneur et de probité," que "sans la crainte de Dieu toute probité humaine est ou fausse ou du moins elle n'est pas sûre"[4]), et si même cela pouvait être et que ce fût avéré qu'on peut être homme de bien en renoncant

[1]) Massillon, l. c., t. I, p. 398; t. II, p. 506; t. I, p. 170 ss., 643, 390, 394, 382, 251.
[2]) Massillon, l. c., t. I, p. 401, 317.
[3]) Bourdaloue, Œuvres, t. II, p. 361.
[4]) Massillon, l. c., t. I, p. 588.

à la foi, ne suffit-il pas de citer l'exemple des libertins pour démontrer les dangers de l'incrédulité?

Pour pouvoir résister à toutes ces attaques, il faudrait que les libertins eussent une conviction bien affermie qu'ils pussent opposer aux certitudes de la foi. Mais c'est précisément à quoi généralement ils ne sauraient atteindre. Souvent ils doutent, ils hésitent. "Ce qui rend encore le libertin plus inexcusable", dit le prédicateur de La Rue, c'est de se jeter "dans le doute et jamais dans une pleine et paisible conviction." Évidemment, avec le temps, quand le nombre des libertins augmentera, l'individu pourra de plus en plus se croire justifié à mettre en doute ce que l'Église enseigne. Seulement, qui sont donc ceux qu'il rencontre sur la voie de l'incrédulité? "Mais avec qui doutez-vous dans ce malheureux état? Avec tout ce qu'il y a de corrompu et de scélérat dans ce monde"[1]), lui dira le P. de La Rue. Ainsi le libertin semble toujours en fort mauvaise position du moment qu'on porte la question sur le terrain moral et que, abandonnant le domaine de la spéculation, on se tourne vers les réalités sociales.

"Il y a une incrédulité de cœur, aussi dangereuse pour le salut que celle de l'esprit," dit Massillon. Les mondains, "n'ont pas encore secoué le joug" de la foi "comme tant d'autres; ils ne se font pas une gloire affreuse de ne pas croire en Dieu; ils ne blasphèment pas ce qu'ils ignorent; ils ne regardent pas la religion comme un jeu et une invention humaine; ils veulent y tenir encore par quelques dehors; mais ils n'y tiennent point par le cœur, mais ils la déshonorent par leurs désordres, mais ils ne sont chrétiens que de nom."[2]) Ils ne sont pas de ces impies qui "se révoltent ouvertement contre Dieu et la religion."[3]) Ils continuent à croire, mais ils ne font pas usage de leur foi; ils vivent comme s'ils ne croyaient pas. Ils croient même assez facilement "les mystères qui paraissent être le plus au-dessus de notre intelligence et qui semblent choquer davantage notre raison, comme sont les mystères de la Trinité, de l'Incarnation, etc." Mais il en est autrement quand il s'agit de la morale de l'Évangile. Tout en croyant aux mystères, ils ne semblent pas croire aux "autres vérités de l'Évangile sur le renoncement à soi-même, sur le mépris du monde . . . sur le mérite de la pauvreté. . . ."[4])

Il arrive souvent au libertin que dans le fond de son cœur, il continue à croire quand son esprit estime s'être détaché de toute

[1]) Migne, l. c., t. 28, col. 879: de La Rue, Sermon sur l'Aveuglement.
[2]) Massillon, l. c., t. I, p. 146, 81.
[3]) Migne, l. c., t. 29, col. 71: Le Père André Terrasson.
[4]) Le P. Jean Croiset, Réflexions chrétiennes sur divers sujets de morale, 1752, t. I, p. 395.

croyance. Chez le mondain, ce sera souvent le contraire. La raison admet les vérités de la foi; le cœur s'en détache. Ainsi la foi dépérit. "Combien de gens dans le monde n'ont presque plus qu'une foi d'éducation, qu'une foi de bienséance, qu'une ombre de foi?"[1]), dit le P. Croiset. De là cette contradiction "monstrueuse de créance et de mœurs"[2]) chez le mondain. Les mondains vivent comme si la foi n'existait pas. Ils "vivent dans le monde comme si l'Évangile n'y avait rien changé." En vain chercherait-on quelque trace de la foi dans la vie qu'ils mènent. "Entre-t-il le moindre rayon de la foi dans le détail universel de notre conduite?"[3]), demande le P. Rapin. Les considérations religieuses cesseront alors de plus en plus de compter parmi les motifs dont on s'inspire dans la vie de tous les jours. On vit comme s'il n'y avait pas de religion; on n'en fait "aucun usage." Et ceux qui oublient ainsi la religion, n'oseraient pas "s'en dispenser tout à fait: vivre comme des impies sans aucune profession de culte, sans en remplir du moins quelques devoirs publics, on se regarderait comme des anathèmes dignes des foudres du ciel."[4]) Il ne s'agit pas des libertins qui, ouvertement renient leur foi. Ils ne vont point, dit Bayle, "jusque la rejection formelle de leur catéchisme, ni même, jusqu'au doute formel. La plupart de ces gens-là conservent dans leur esprit la théorie de la religion. Il est vrai qu'ils l'y conservent comme un meuble très inutile, puisqu'ils ne la consultent point comme règle de leurs actions. On ne peut même pas toujours assurer qu'elle soit toujours oiseuse dans leur âme. Ils font quelquefois de grandes aumônes pour le rachat de leurs péchés."[5])

Le mondain, bien plus docile que le libertin, ne veut pas abandonner la foi et tient à rester chrétien; il ne brave pas Dieu, comme le fait le libertin; il ne se "fait point gloire de son impiété et de ses excès."[6]) Tout en se livrant "aux plaisirs, aux vanités, à tous les abus du siècle," il vivra "dans une régularité que le monde approuve." Pourvu que les "âmes mondaines" vivent "exemptes des grands désordres", que leur conscience n'ait pas de "vice grossier et criant" à se reprocher, il vivra "au milieu de tous les plaisirs, de tous les abus, de toutes les sensualités, de toutes les dissipations que le monde autorise" et se croira "en sûreté dans cet état"[7]), il sera "vicieux pour ainsi dire avec bienséance." Le

[1]) Ibidem, p. 401.
[2]) Le P. Jean Croiset, Parallèle des Mœurs de ce siècle et de la Morale de Jésus-Christ, 1743, t. I, p. 354.
[3]) Le P. Rapin, Œuvres diverses, 1695, p. 319.
[4]) Massillon, l. c., t. I, p. 81.
[5]) Bayle, Œuvres, t. III, p. 1058.
[6]) Bourdaloue, cité dans E. Byrne, Bourdaloue moraliste, p. 367.
[7]) Massillon, l. c., t. I, p. 112, 274, 447.

mondain évitera donc les excès. Ce n'est plus un libertin qu'on puisse livrer à l'horreur du public, un isolé qui, de par ses paradoxes, s'excluait lui-même de la communauté des honnêtes gens. Le mondain est en règle avec la société. Il parle au nom des bienséances; il a le monde de son côté. Et qu'est-ce que le monde? "Le monde . . . c'est le grand nombre."[1]) Il règne aujourd'hui absolument dans toutes les conditions. "On peut dire que ce monde est une secte aujourd'hui presque universelle de gens."[2]) Et loin de débiter des paradoxes, comme le fait le libertin, le mondain ne fait état que des "maximes les plus universellement reçues dans tous les états, et sur lesquelles roulent les mœurs de la multitude."

Les prédicateurs croyaient pouvoir traiter le libertin avec mépris. Le libertin n'avait rien à opposer à la communauté des fidèles que des sentiments souvent mal affermis ou des paradoxes. Le mondain par contre, a pour lui l'opinion de la "multitude." Il n'exprime que ce que "tout le monde" pense. Il oppose, pour ainsi dire, les sentiments de la communauté des profanes à ceux de l'Église. Ses opinions n'ont rien de hasardé. Il parle au nom du monde; et c'est cette autre puissance qui est en lutte avec celle de l'Église qu'il faudrait pouvoir détruire pour faire du mondain un chrétien. "Vous êtes du monde, mon cher Auditeur? mais c'est là votre crime, et vous en faites votre excuse? un chrétien n'est plus de ce monde; c'est un citoyen du ciel; c'est un homme du siècle à venir; c'est le juge et l'ennemi du monde."

Comment les mondains se justifieront-ils en face de l'Église qui lance l'anathème contre le monde, "terre de malédiction"? Qu'est-ce que le monde pour les mondains eux-mêmes qui l'aiment, qui paraissent enivrés de ses plaisirs et qui ne peuvent se passer de lui?", demande Massillon. N'avouent-ils pas eux-mêmes "que les hommes sont bien insensés de tant s'agiter, et que le monde est bien peu de choses." Et quelle meilleure preuve à donner que l'exemple des grands? "Plus les grands sont élevés, plus ils sont malheureux." En vain chercherait-on le bonheur dans le monde. "Le monde étale des prospérités; le monde ne fait point d'heureux. Les grands nous montrent le bonheur, et ils ne l'ont pas." C'est que "si les plaisirs occupent les dehors, le dedans est toujours vide."[3])

Ainsi l'illusion du monde se dissipe. Le mondain lui-même se rend compte de la vanité des plaisirs. Au fond de lui-même, il est d'accord avec l'Église, et ce sera son propre aveu qui fournira

[1]) Ibidem, p. 308.
[2]) Croiset, Parallèle..., t. I, p. 269.
[3]) Massillon, l. c., t. I, p. 304, 355; t. II, p. 619; t. I, p. 3, 259; t. II, p. 48, 650.

la preuve pour "la faiblesse et la fausseté des plaisirs du monde." "Nous sentons tout le vide du plaisir; il est des moments de réflexion qui nous tuent." Et c'est dans ces moments de réflexion que le mondain avoue que les prédicateurs ont raison quand ils condamnent le monde. Mais que peuvent-ils avancer pour justifier sa séduction? Le mondain ne prend pas fait et cause pour le monde. Il n'oppose pas les valeurs de son "monde" ou monde que représente l'Église. Il ne se justifie pas. Il cherche des excuses. Il ne demande pas que l'Église l'approuve; il voudrait qu'elle se montrât plus indulgente à son égard. Il dira aux prédicateurs qu'il ne saurait trouver "le monde si noir et si pernicieux" qu'ils le disent, "qu'au fond on peut l'aimer innocemment." Car enfin, n'y a-t-il pas des délassements innocents dans la vie?"

Les prédicateurs répondront "qu'une vie de jeu, de plaisir, de spectacle, d'amusement, quand même il ne s'y mêlerait rien de grossier et de criminel, est un parti fort douteux pour l'éternité." "Voudriez-vous aller paraître devant Dieu, et n'avoir rien à lui présenter que ces plaisirs, ces amusements que vous appelez innocents, et qui composent presque tout le fond de votre vie? Je vous le demande."[1])

Les mondains ne paraissent jamais tout à fait certains que les prédicateurs aient tort. Aussi les enfants du siècle, tout en ayant grande envie de se mettre un peu à l'aise et de suivre leurs inclinations mondaines, seront-ils encore craintifs et mal assurés, ne sachant si cela peut se faire sans courir de trop grands risques pour leur salut. Ce qu'ils voudraient se réduirait en somme pour beaucoup d'entre eux à obtenir une plus grande tolérance de la part de l'Église et à se voir concéder qu'il peut y avoir des plaisirs innocents. Or, ils trouveront des prédicateurs qui, jusqu'à un certain point, sauront condescendre à leurs plaisirs. "Je ne veux rien exagérer," dit le P. Bourdaloue, "et ce n'est point mon dessein de condamner sans exception tous les divertissements de la vie." Il veut bien reconnaître qu'il y a "des récréations innocentes, des récréations honnêtes," mais, ajoute-t-il, "ces divertissements du monde permis et innocents sont bien rares."[2]) Ainsi en gardant même "toute la modération nécessaire," en ne passant point "les bornes d'une bienséance raisonnable, d'une amitié honnête" et si l'on veut "d'une réjouissance modeste et chrétienne"[3]), le chrétien fera bien de veiller sur lui-même. Mais ce qui est parfaitement condamnable, c'est "cette habitude de vous divertir beaucoup et

[1]) Massillon, l. c., t. II, p. 649 ss.; t. I, p. 307, 466, 481.
[2]) Bourdaloue, Sermon sur les Divertissements du Monde.
[3]) Bourdaloue, Sermon sur l'éloignement et la fuite du Monde.

de vous appliquer peu au lieu de suivre l'ordre de Dieu qui serait de vous divertir peu, pour vous appliquer beaucoup."[1]) Les enfants du siècle rechercheront alors des arrangements avec Dieu et son Église et ne manqueront pas de se servir des "expédients que les casuistes leur présentent."[2]) Ils voudront trouver des excuses devant Dieu et devant leur propre conscience, qui est encore mal libérée de ce que, à certains moments, ils appellent des "préjugés de l'enfance." Une de ces excuses consistera à dire qu'ils ne font que des "choses bien naturelles," et ils se rapprocheront alors du libertin. Mais en parlant de la sorte, ils ne prétendent pas substituer aux devoirs du christianisme d'autres devoirs, mais augmenter seulement le nombre des choses permises. L'Église a une morale sévère. Le mondain semble demander simplement s'il faut toujours être moral et si Dieu ne permet pas quelque relâche ou quelque délassement.

Ainsi le mondain s'adressera aux confesseurs pour savoir si l'on peut faire telle chose, si l'on peut se permettre tel plaisir sans risquer d'aller en enfer. En effet, les mondains n'hésiteraient pas à se livrer "à toutes sortes de dérèglements s'il n'y avait pas un enfer pour les punir"[3]), et la question qu'ils se posent et qu'ils posent à leurs confesseurs consiste à savoir jusqu'où l'on peut s'adonner aux plaisirs sans risquer d'être damné éternellement, c'est-à-dire comment il faut faire pour pouvoir en toute sécurité s'abandonner à ses penchants, en ne s'interdisante que ce qui nous "éloigne visiblement de Dieu." Ou, autrement dit, on voudrait savoir le plus exactement possible "s'il est permis d'assister aux spectacles, si la morale de l'Évangile peut s'accommoder de ces différents amusements que vous vous permettez."[4]) Le monde cherchera donc à avoir des précisions pour pouvoir, tout en s'amusant à sa manière, ne pas risquer son salut. Mais il devra bientôt constater que dans ce domaine tout est en somme bien incertain du moment qu'il s'agit de déterminer la nature et l'étendue des plaisirs permis. "D'où vient, mes Frères, qu'entre vous, les uns croient qu'une telle chose est permise, et les autres qu'elle ne l'est pas, sinon parce que ceux-ci ont épousé les sentiments des uns et ceux-là des autres . . .? Jésus-Christ est donc divisé? Divisus est Christus. Tantôt son évangile est austère et mortifiant; tantôt il est doux et favorable à la nature; et sans doute il faut bien que vous en jugiez ainsi, puisque vous marchez les uns et les autres dans

[1]) Panégyrique de Saint Paul; cité dans: Maury, Essai sur l'Éloquence de la Chaire.
[2]) Bayle, Pensées diverses à l'occasion de la Comète. Œuvres diverses, t. III, p. 102.
[3]) Migne, l. c., t. 29, col. 571: André Terrasson, sur le Chrétien.
[4]) Ibidem, col. 1255: Gaspard Terrasson, Sermon sur la conscience.

des chemins contraires: avec une égale sécurité sur la foi des différents maîtres auxquels vous vous êtes livrés. . . ."[1])

Devant cette multiplicité d'opinions le mondain se trouve nécessairement troublé. Pourtant il semble bien que toute sa sympathie doive aller à ceux qui lui apportent ce qu'il demande, c'est-à-dire qui se montrent indulgents à son égard et lui concèdent qu'on peut s'amuser dans le monde sans déplaire à Dieu. Mais souvent il n'en est rien, et il en veut aux prédicateurs qui lui font trop de concessions. "Vu le penchant que nous avons à satisfaire la nature, nous devrions courir après ceux qui nous prêcheraient que tout est permis: cependant nous les détesterions"[2]), écrit Bayle. Si "un ministre de l'Évangile," dit Massillon "venait vous annoncer ici les mêmes maximes que vous débitez tous les jours dans le monde; s'il venait vous prêcher dans ce lieu de vérité que l'Évangile n'est pas si sévère qu'on le publie, qu'on peut aimer le monde et servir Dieu . . . quelle idée auriez-vous de ce nouvel apôtre? . . . Vous ririez de son ignorance ou de sa folie: vous auriez peut-être horreur de la profanation qu'il ferait de son ministère."[3]) On peut même aller plus loin: non seulement le mondain ne voudrait pas que les prédicateurs adoptassent les maximes du monde, mais encore il se fait "le panégyriste de la plus étroite morale."[4]) "Peut-être ne vit-on jamais plus d'empressement," dit l'abbé André Terrasson, "à écouter la parole de Dieu: les bons et les méchants viennent en foule à nos discours; plus le prédicateur est exact dans sa doctrine, plus il persuade, plus il touche, plus il étonne et plus trouve-t-on de plaisir à l'entendre."[5]) Les prédicateurs s'en étonnent. En effet, quelle étrange contradiction entre les maximes que prêchent les prédicateurs dans la chaire et la conduite des mondains?

"Jamais, dans le monde prétendu chrétien, tant de zèle pour la voie étroite, jamais tant de démonstrations de réforme, jamais, en apparence, tant d'ardeur pour la sévérité de la morale et pour la pureté de l'ancienne discipline; mais au milieu de tout cela, jamais tant d'amour-propre, jamais tant de recherche de soi-même, jamais, à proportion des conditions, tant de mollesse, ou du moins tant d'attention à être abondamment pourvu de tout et à ne manquer de rien"[6]), dit Bourdaloue. C'est que les enfants du siècle

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[1]) Migne, l. c., col. 151: André Terrasson. Sermon sur l'obligation de n'écouter que Jésus-Christ.
[2]) Bayle, Pensées diverses... , l. c., t. II, p. 155.
[3]) Massillon, l. c., t. I, p. 448.
[4]) Bourdaloue, Œuvres, t. III, p. 363.
[5]) Migne, l. c., col. 438: André Terrasson, Sermon sur la Parole de Dieu.
[6]) Bourdaloue, Sermon sur le trésor caché de la religion.

semblent faire une différence essentielle entre ce qui est vrai dans la chaire et ce qui est vrai dans le monde. "Les maximes que nous annonçons dans la chaire, vous les avouez dès qu'elles partent de là." On aime voir développer la morale dans la chaire, "nos invectives ne vous irritent point, et le meilleur discours, à votre avis, est presque toujours celui qui vous a le mieux combattus."[1]) "Accordez-vous donc enfin avec vous-mêmes!"[2]), s'exclame l'abbé André Terrasson. Bayle avait déjà signalé "comme une bizarrerie de l'esprit humain"[3]) le fait que les gens dépravés n'aiment pas qu'on leur prêche une morale relâchée. "La morale douce et relâchée," écrit La Bruyère, "tombe avec celui qui la prêche; elle n'a rien qui réveille et qui pique la curiosité d'un monde qui craint moins qu'on ne pense une doctrine sévère, et qui l'aime même dans celui qui fait son devoir en l'annonçant."[4]) Et plus tard, le prédicateur Pacaud constatera, tout en se plaignant de la corruption des mœurs de son temps, qu'on aime voir la parole de Dieu "annoncée dans toute sa force et que l'on sait mauvais gré à qui la supprime."[5]) Les enfants du siècle peuvent parfaitement admettre qu'il y ait une morale sévère et convenir qu'il est bon qu'on puisse la retrouver dans l'Église. Ils veulent voir ainsi conserver à l'Église son prestige et s'élèvent contre les Jésuites qui leur semblent y porter atteinte. Mais s'ils jugent ainsi, c'est précisément parce qu'il s'agit de l'idéal d'un autre monde qu'ils veulent voir conservé comme tel, bien qu'il ne puisse s'appliquer à leur cas particulier. Ils sont des mondains, et non des saints; inutile de vouloir rabaisser les saints à leur niveau. Ce qu'ils veulent, c'est qu'on ne leur en veuille pas d'être pour leur part des mondains, et de s'inspirer dans la vie de tous les jours de motifs qui n'ont rien de chrétien. En agissant comme ils le font, en vivant d'une vie profane, ils ne s'attribuent aucun mérite. La vie qu'ils mènent en dehors des conceptions de la morale traditionnelle, se réduit à un ensemble d'actions qui pour n'être pas entièrement mauvaises, ainsi que le prétendent de rigides théologiens, n'ont rien dont on puisse se glorifier. "Je veux bien ne pas commettre de crime; du moins ne me refusez pas l'usage des plaisirs permis"[6]), dira le mondain en parlant à son confesseur. Tout ce que les mondains demandent aux ministres de l'Église se réduirait donc en somme à demander qu'on les laissât faire et à bien

[1]) Migne, l. c., col. 1254: Gaspard Terrasson, Sermon sur la Conscience.
[2]) Ibidem, col. 441: André Terrasson, Sermon sur la Parole de Dieu.
[3]) Bayle, Pensées diverses..., l. c., t. III, p. 102.
[4]) La Bruyère, Caractères. De la Chaire.
[5]) Pacaud, Discours de Piété, t. III, p. 317.
[6]) Migne, l. c., col. 1115: Gaspard Terrasson, Sermon sur les œuvres de pénitence.

vouloir admettre que, s'il y a des actions qui comptent pour le salut, il y en a d'autres qui ne seront pas enregistrées et qui par conséquent, au jugement dernier, n'entraîneront pas de conséquence grave.

Ainsi dans les débuts de l'emancipation moderne, il y a souvent plutôt séparation de la vie et de la foi qu'incrédulité avérée. La vie a cessé d'être chrétienne, pour devenir de plus en plus profane, sans que l'individu ait encore entièrement rompu avec les anciennes conceptions, qui sont parfois restés pour lui des vérités d'un ordre supérieur, des visions d'un autre monde qu'il peut conserver comme telles, tout en leur infligeant un continuel démenti dans ses manières d'agir.

La foi pourra encore subsister sous différentes formes. Le mondain craint pour son salut. Il questionne les prédicateurs, il voudrait avoir des certitudes. Bien que suivant une voie qui n'est pas celle que lui a tracée l'Église, il n'est pas tout à fait sûr de pouvoir la poursuivre jusqu'au bout. Car il y a autre chose que la vie: les prédicateurs ne cessent de le lui répéter; et lui, bien que ne sachant pas trop si ce qu'ils en disent est vrai, ne demanderait pas mieux que d'être rassuré de ce côté, pour pouvoir continuer sa route en toute sécurité de conscience. Aussi cherche-t-il un arrangement avec Dieu et son Église. Seulement, l'arrangement que lui proposent les esprits conciliants ne saurait toujours le satisfaire; car il est parfois encore trop croyant ou du moins il a encore trop conservé l'idée de ce que c'est que croire, pour ne pas se méfier des Jésuites qui veulent lui rendre l'accès du paradis trop facile. Que fera-t-il alors? Du moment qu'il s'agit de traduire les conceptions d'un autre monde en maximes pouvant s'appliquer à celui-ci, d'en faire des réalités morales et sociales, il s'aperçoit fatalement que s'il peut encore croire, il ne sait pas vivre de la foi. Ainsi, ne sachant plus trouver comment concilier les deux mondes, il hésitera encore, tout en vivant d'une vie profane à s'y abandonner entièrement. Au fond, n'ayant pas su trouver la formule de sa vie ni les mesures nouvelles qu'il pourra opposer aux anciennes, il ne peut encore s'affirmer tel qu'il est, justifier ses manières d'être.

"Oui, mon Dieu, que les petits sauvent les grands . . . que la foi du peuple supplée au manquement de la foi des gens de cour," écrit un Père Jésuite. L'incrédulité semble être avant tout une affaire de courtisans, de grands et enfin de tous ceux qui croiraient "se confondre" avec le "bas peuple"[1]), s'ils abandonnaient leur vie oisive. Et cela est également vrai pour le libertin qui s'attaque

[1]) Croiset, Parallèle des Mœurs...., t. I, p. 94.

à la foi, et pour le mondain qui n'en fait que peu d'usage. Les prédicateurs ne manqueront d'ailleurs pas de répéter que l'incrédulité est une affaire des gens oisifs et que les classes médiocres, pourvu qu'elles n'imitent pas les gens du monde, en sont préservées.

Ainsi on pourrait s'attendre à ce que le bourgeois, en prenant conscience de lui-même, et en accentuant ses caractères propres, se refuserait à jouer le rôle d'incrédule. Pourtant, il n'en sera rien. Le bourgeois sera à son tour un incrédule, d'une incrédulité à lui, d'une incrédulité d'honnête homme. Ce n'est pas que lui aussi ne veuille se distinguer du peuple, et pour bien marquer la différence qui le sépare des simples croyants, il prendra cet air de supériorité qu'affecte le monde et tirera vanité de son "opposition avec le peuple."[1]) Il contraîtra le "plaisir de s'ériger en esprit fort," la "joie de se voir au-dessus de l'opinion populaire," la "crainte d'être confondu avec le vulgaire." Il laissera au "simple peuple" une soumission qui l'humilie, il devra, pour prendre conscience de lui-même en tant que bourgeois, se "frayer une route qui le sépare du peuple." Les incrédules sont des hommes qui pensent, "voilà le signal auquel ils veulent qu'on les reconnaisse."[2]) Comment ne pas se sentir attiré vers ceux qui pensent, pour se distinguer du peuple qui ne pense pas?

Mais, d'autre part, le bourgeois a bien des raisons de se méfier du libertin du moment qu'il s'attaque aux mœurs. Déjà Bourdaloue mettait en garde les fidèles contre "ces livres contagieux . . . où la vertu est traduite en ridicule, où la crainte de l'enfer et des jugements en Dieu est représentée comme une faiblesse."[3]) Les mondains déconsidèrent la vertu et n'aiment pas les gens vertueux. "Mais à combien de railleries n'est-on pas exposé dès qu'on pratique la vertu et n'en coûte-t-il rien d'essuyer sans cesse cent fades plaisanteries?"[4]) Le bourgeois sera incrédule, mais il se méfiera en même temps de "ces livres licencieux," de ces "sarcasmes," d'une "philosophie qui autorise sans doute ce luxe, cette galanterie et tous les travers dont les mondains font gloire."[5]) Il veut, tout en étant incrédule, rester honnête homme. Aussi se détournera-t-il avec le temps de ceux qui, s'attaquant à la fois à la religion et à la morale, compromettent la cause de l'incrédulité.

L'incrédulité bourgeoise aura cela de particulier qu'elle n'est

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[1]) Bordier de Villermont: L'irréligion dévoilée ou la philosophie de l'honnête homme, 1779, p. 6.
[2]) Migne, l. c., t. 28, col. 548: de La Rue, Sermon sur la vérité de la religion chrétienne.
[3]) Bourdaloue, Sermon sur le zèle pour l'honneur de la Religion.
[4]) Croiset, Réflexions chrétiennes, t. I, p. 139 . .
[5]) Bordier de Villermont, l. c., p. 7 ss.

pas une affaire du monde où l'on s'amuse, mais qu'elle fait partie d'une vie laborieuse et bien ordonnée. Ce n'est pas le "bel esprit" qui s'y divertît; c'est la raison pratique, le bon sens qui se dresse contre la foi. Ainsi tout sera changé. Ce que le libertin avait en vue, c'était "l'idée d'une liberté fort heureuse selon le monde, dans laquelle on satisfait tous ses désirs sans aucune crainte, sans aucun remords."[1]) Et c'est de cette idée que s'inspiraient les grands quand ils reniaient la foi. "Voilà le péché capital des grands du siècle, qui, de leur état, se font un principe d'indépendance, comme si la loi de Dieu n'était pas faite pour eux, comme si Dieu en la portant, avait dû les excepter."[2])

Le bourgeois voudra régler et ordonner sa vie sans le secours de la religion. Le mondain défendait les faiblesses humaines et demandait qu'on ne lui tînt pas trop rigueur des péchés qu'il pouvait commettre. "Quel mal est-ce que je fais? Je ne commets point d'excès"[3]), répondait-il au confesseur qui lui reprochait sa conduite peu chrétienne. Le bourgeois, lui, mettra en avant son honnêteté et se croira parfaitement justifié d'agir en dehors de la foi. Il est ce qu'il doit être. Il est honnête homme sans être chrétien. Aussi ne connaîtra-t-il pas les inquiétudes d'autrefois, et fera-t-il preuve dans son incrédulité d'une sécurité que ne connaissaient pas les incrédules du début, qui, n'ayant pas encore fait leurs preuves, n'étaient pas certains de pouvoir régler la vie en dehors de la foi, et surtout de pouvoir mourir en soutenant "la gageure jusqu'au bout."[4])

"Sans nécessité comme sans assurance, sans autre guide que la faiblesse de vos lumières . . . vous bravez les menaces formidables de la religion, les feux qu'elle vous a dit être allumés sous vos pas, les périls de l'éternité. . . . N'oubliez pas qu'on a vu trembler à la vue de la mort ceux dont l'incrédulité avait paru la plus intrépide"[5]), dit un prédicateur. Le libertin s'était isolé de la communauté des fidèles, il avait mené sa vie à lui. Mais saura-t-il mourir seul? De son vivant, il voulait se distinguer des autres, sortir du commun. Mais en face de la mort, voudra-t-il continuer à jouer son rôle? Il arrivera donc que le libertin en face de la mort se convertisse et les prédicateurs ne manqueront pas de le citer en exemple. Il avait trop argué de ses forces; il s'était trop fié à lui-même. Après s'être isolé de la communauté des fidèles, il rentre,

[1]) Bayle, Dictionnaire, article: Épicure, t. II, p. 1082.
[2]) Bourdaloue, Sermon sur la purication de la Vierge.
[3]) Migne, l. c., t. 29, col. 965 ss.: Gaspard Terrasson.
[4]) Migne, l. c., t. 28, col. 551: de La Rue, Sermon sur la vérité de la religion chrétienne.
[5]) Migne, l. c., t. 70, col. 1928 ss.: Lenfant, Sermon sur l'Incrédulité.

maintenant qu'il se trouve en face de la mort, dans la grande communauté des mourants. Il voudra mourir comme les autres. Rien ne le distinguera plus du commun qu'il croyait pouvoir mépriser. Il veut "aller au plus sûr," et la probabilité est pour ceux qui croient: ils forment le nombre.

"Quand un malade est impie, il le faut manier avec force et adresse . . . il faut prendre le malade du côté de la prudence, lui représentant . . . que dans l'état où il est, il n'y a point à délibérer quel parti il doit prendre, qu'il risque tout suivant son sens, qu'il ne risque rien suivant celui de l'Église." Ainsi le malade mourra "dans la communion des fidèles."[1]) Un profond changement alors se sera fait dans l'esprit de l'incrédule. Il sort de son isolement. Si autrefois il disait: moi, je ne crois pas, il dira maintenant: nous croyons. Il avait dit: moi, tant qu'il était incrédule; il avait fait confiance à lui-même et se croyait assez fort pour braver les opinions reçues, mais maintenant qu'il croit, ce "moi" n'existe plus. La communauté aura repris possession de lui, et en reprenant ce qu'elle estimait lui appartenir de droit, elle lui enlevait ce qu'il croyait lui appartenir en propre. Il croira comme tout le monde; il participera au patrimoine commun, il vivra de la foi de tous.

Mais les doutes de l'incrédule ne pourront-ils pas renaître? Dans les avis que le P. Croiset donne aux confesseurs sur la manière dont il faut se comporter avec les impies qui se trouvent en danger de mort, s'il recommande de proposer au malade "des raisons qui emportent son esprit, et qui lui persuadent efficacement la nécessité de la foi, et la vérité de nos mystères," il a soin d'ajouter que cela doit se faire "de telle manière néanmoins qu'il ne semble pas qu'on veuille disputer avec lui; car l'autorité que ces sortes de gens se sont donnée de juger de tout, les empêche de se soumettre au jugement des autres, et pour peu qu'on les choque, ils se cabrent et se révoltent contre la vérité." Et c'est précisément pourquoi il faut avant tout représenter au malade "qu'en matière de salut, il n'est ni de la sagesse ni de la conscience de s'exposer à un danger évident d'être damné."[2]) Ainsi l'impie se sera décidé à prendre le parti le plus sûr, sans vouloir en savoir plus. Il aura réprimé ses doutes, en se posant la question de son salut. Mais n'est-ce pas là simplement déplacer le problème? L'impie qui se sera converti ne s'est pas dit que ce que la foi enseigne est vrai, parce que toutes les réflexions qu'on peut soulever à son sujet peuvent être réfutées. Il a tout simplement constaté qu'ill était plus sûr de croire, et l'ayant établi, il s'est mis à vouloir croire. Mais si les doutes renais-

[1]) Crasset, La douce et sainte Mort, 1681, p. 266.
[2]) Crasset, ibidem.

sent, est-il bien sûr qu'il saura leur résister?

"C'est le cœur qu'il faut gagner ou effrayer"[1]), dit l'auteur du Dictionnaire apostolique. Ce cœur qui, comme le disent les prédicateurs, était resté croyant, et continuait à vivre de la foi commune, tandis que l'individu, se fiant à sa raison, s'était isolé et s'était refusé à croire comme les autres. Le cœur serait donc resté catholique, et c'est aussi pourquoi l'incrédule, quand il se convertissait, n'hésitait pas entre plusieurs religions, mais tout naturellement se tournait vers la foi catholique. "L'argument de M. Pascal: vous gagnez tout à croire et ne gagnez rien à ne pas croire, est très bon contre les athées, mais il n'établit pas une religion plutôt qu'une autre"[2]), écrit Montesquieu. En effet, ne peut-on pas dire que l'argument tel que le présentait Pascal et ceux qui l'adoptaient après lui "ne prouve autre chose sinon qu'il est plus sûr d'avoir une religion quelconque que de n'en avoir du tout?"[3])

Mais ce n'est certainement pas le fait que l'on peut formuler le même argument en faveur "du judaïsme et du mahométanisme" qui troublera le cœur de l'incrédule mourant. C'est pour sa religion qu'il pariera et non pour une autre. Mais quand, avec le temps, le cœur aura cessé d'être chrétien, qu'en sera-t-il de l'argument de Pascal? Le libertin avait voulu se distinguer du commun; mais dans son cœur, il était resté "peuple." Il était plus intelligent que les autres, et il s'en faisait gloire. Mais son intelligence n'était pas parvenue à l'élever lui-même au-dessus des autres. Il était resté au fond de lui-même un fidèle inconscient. Mais qu'en sera-t-il une fois que se seront formées des traditions d'"incrédulité"? Ce qui parlait en lui, c'était la voix de la communauté, et tout son effort avait consisté à vouloir la faire taire. Mais ses raisonnements n'étaient pas assez forts pour lui faire supporter son isolement au moment du "danger." En rentrant dans son cœur, il retrouvait une "patrie" à laquelle il était resté attaché sans le savoir. Il était revenu de loin, et la communauté des fidèles accueillait l'enfant prodigue. Mais avec le temps, il trouvera une autre patrie: des habitudes de penser et de sentir qui, elles aussi, seront celles d'une "communauté." Il ne mourra plus en "libertin," c'est-à-dire en homme qui n'est pas comme les autres, mais en bourgeois, en homme conscient de représenter un type moyen. Son "cœur"

[1]) Dictionnaire apostolique, p. 184.

[2]) Montesquieu, Pensées et fragments inédits, t. 2, p. 498.—Voyez aussi Diderot, Pensées philosophiques, LIX: "Pascal a dit: Si votre religion est fausse, vous ne risquez rien à la croire vraie; si elle est vraie, vous risquez tout à la croire fausse. Un iman eût pu dire autant que Pascal."

[3]) Bergier, La Certitude des preuves du Christianisme, 1768, 2e partie, p. 203.

sera devenu "raisonnable," et il faudra un certain effort pour se rappeler le temps où il ne le fut pas.

L'incrédulité du libertin reposait sur une expérience individuelle et elle reflétait un état d'esprit qui s'opposait au sentiment collectif. Les fidèles disaient: nous croyons, le libertin répliquait: moi, je ne crois pas. Avec le temps, le nombre des libertins aura augmenté. Mais en face de la communauté des fidèles, chacun de ces libertins ne représentera toujours que lui-même. Il parlera en son nom propre, et pour bien faire ressortir ce qui le sépare de la foi commune, il accentuera l'opposition. L'incrédulité au XVIII^e siècle, par contre, aura de plus en plus un caractère collectif. Comme la foi n'avait pas été l'affaire de tel individu en particulier, mais celle d'une collectivité, l'incrédulité n'aura plus rien de "singulier." Ce n'est pas l'individu qui sera incrédule, mais le bourgeois qui parle au nom de sa classe. Le libertin aimait à débiter des paradoxes; le bourgeois ne dira plus que des choses "très normales." Et pourquoi aurait-il peur de dire ce que tout le monde pense, pourquoi se verrait-il damné pour avoir eu des opinions que tous les honnêtes gens partageaient? Le parti le plus sûr sera alors celui que prend tout le monde. Les prédicateurs, il est, vrai, répliqueront qu'il n'y a que peu d'élus et qu'il ne faut pas être comme le grand nombre. Mais le bourgeois ne tient pas à se singulariser. Il ne sera pas un original à la façon du libertin, ni voudra-t-il être un de ces dévots "qui se sont écartés de la voie commune." Il tient à vivre et à mourir dans la communauté des honnêtes gens.

L'argument de Pascal aura alors perdu de son poids. Il était risqué, dans une affaire qui concernait le salut éternel de l'homme, de ne pas croire comme les autres. Le risque diminue à mesure que ceux, avec lesquels nous avons vécu et dont le jugement compte, ne croient plus. Ce n'est pas quand tel ou tel individu s'efforçait de ne pas croire que la foi fut en danger; c'est quand tout le monde cessa de croire et qu'on put être incrédule en toute sécurité. Les données du problème religieux se seront alors profondément modifiés. Le bourgeois, lui aussi, comme autrefois le libertin, peut avoir quelque intérêt à ne pas croire. Lui aussi, pour se justifier devra s'attaquer aux conceptions catholiques. Mais ce qu'il voudra justifier n'est pas le péché, c'est le bon sens et la raison. Il veut pouvoir être raisonnable et demande qu'on le laisse vaquer à ses affaires. Il veut pouvoir oublier l'au-delà, non pour être à même de s'adonner aux voluptés de cette terre, mais pour y prospérer et y accomplir sa tâche. Le bourgeois n'est donc pas un pécheur qui cherche à se justifier. Aussi, quand il doute, quand il conteste les dogmes, faudra-t-il l'écouter, sans pouvoir évincer la question en

recommandant au questionneur de réformer ses mœurs. Ses objections sont celles d'un honnête homme; il faut y répondre, sans pouvoir mettre en doute sa bonne foi. Il discutera donc avec son curé sur Dieu, sur l'immortalité de l'âme, sur la durée des peines de l'enfer, etc. Ces discussions ne le concernent pas, pour ainsi dire, personnellement. Son adversaire serait mal venu de l'apostropher et de vouloir scruter sa vie. Il s'agit d'un ensemble d'objections qu'on devra discuter comme telles et qui peuvent parfaitement être détachées de celui qui les soulève. Ou autrement dit: il faudra discuter en philosophe. Il n'y a pas le saint d'une part, et de l'autre, le pécheur; il y a deux honnêtes gens qui raisonnent sur des problèmes que l'on pose comme tels.

Il faudra donc savoir discuter avec le bourgeois sur Dieu et sur ses attributs sans pouvoir échapper aux questions de doctrine et déplacer le problème. Le bourgeois en voudra aux prêtres qui, quittant l'ordre général de la discussion, le prennent personnellement à part, pour lui faire voir qu'il aurait tout à craindre d'un Dieu qui le jugerait. Dieu devra demeurer dans l'ordre des généralités où le cœur n'est pour rien. C'est la raison qui décide. Il s'agit de raisonner et non de faire peur. Il s'agit pour le bourgeois de la vérité et non de "son intérêt." Non seulement "l'impie est insensé parce que, dans une égalité même de raison, son cœur et sa gloire devraient le décider en faveur de la foi, mais encore son propre intérêt"[1]), dit Massillon. Et c'est précisément à rappeler à l'homme son véritable intérêt que devait servir l'argument de Pascal. "Il oppose le véritable intérêt de croire au faux intérêt de ne croire pas."[2]) Mais c'est là ce qui répugne au bourgeois. Il ne voudra pas croire par intérêt, il ne veut pas être un croyant craintif. "Quand il est question de croire," dira-t-il, "notre intérêt ne décide ni pour la vérité ni pour la fausseté des choses; il ne dépend pas de la volonté d'obliger l'esprit de croire, précisément parce qu'il y aurait de l'avantage à n'être point incrédule: la vérité seule peut nous persuader."[3]) Aussi les apologistes auront-ils soin de ne pas trop poser la question de "l'intérêt," mais d'essayer de démontrer que ce que l'Église enseigne est bien prouvé. "Ce n'est donc point notre intérêt qui nous décide, ce sont les preuves"[4]), dit l'abbé Bergier.

Dieu deviendra ainsi de plus en plus matière à raisonnement. Cela ne veut pas dire que dans l'importance que le bourgeois attache

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[1]) Massillon, l. c., t. I, p. 171.
[2]) Journal Chrétien, 1760, août.
[3]) Bergier, l. c., p. 203.
[4]) Ibidem, p. 207.

à ces sortes de questions, l'intérêt du chrétien n'y soit pour rien. Mais celui qui voudra discuter en philosophe tâchera de plus en plus de cacher l'apport personnel. Il ne voudra plus avoir peur et se sentira quelque peu humilié, quand les prédicateurs le menacent de l'enfer. Plus le bourgeois se sentira honnête homme, plus il saura éliminer de ces sortes de discussions tout ce qui pourrait rappeler son intérêt propre. Il dégage son cœur et s'en tient à la raison. Il dépersonnalise la question religieuse et lui enlèvera finalement son caractère religieux. En effet, la question religieuse ne saurait être posée d'une manière détachée. Ce n'est pas un problème qu'on discute entre savants. C'est l'homme qui pose la question et non le penseur. Et c'est une question qu'il pose pour lui-même et qu'on ne saurait faire entrer dans le domaine public. Le pari de Pascal devait précisément servir à ramener en quelque sorte la question à son point de départ. Il fait d'un problème de doctrine une question religieuse. Ce n'est plus de Dieu qu'on discute, d'un Dieu qui pourrait parfaitement se concevoir comme une donnée métaphysique en dehors de toute préoccupation d'un caractère personnel, c'est de Dieu par rapport à une âme humaine, du Dieu tout court du métaphysicien redevenu "mon Dieu," du Dieu que je crains, moi, qui suis un pécheur. C'est moi qui parie et l'enjeu du pari c'est moi-même. J'évalue mes risques à moi. C'est une affaire à régler entre Dieu et moi. Aussi ne s'agit-il pas pour moi d'avoir raison en me mesurant à un adversaire; ce que je veux, c'est d'éviter les dangers qui me menacent personnellement. Or, il me suffit de savoir que l'Église peut avoir raison, pour que je fasse tout le nécessaire afin de parer au danger qui me menace. Il ne s'agit pas de me convaincre, il s'agit de me convertir. Et pour me convertir, la probabilité que ce Dieu existe, si minime qu'elle soit, suffit. Le pari de Pascal suppose donc que l'infidèle, tout incrédule qu'il est, soit personnellement intéressé à la question. Or, cela était vrai pour le libertin. Il ne niait pas que la question le concernait, lui, et que lui-même y était engagé.

Le bourgeois, par contre, apprendra de mieux en mieux à poser la question d'une façon tout à fait impersonnelle. Il la posera pour tout le monde, et non pas pour lui-même en particulier. Le libertin pariait; le bourgeois argumente. Pour le libertin, c'est une question de conscience — de mauvaise conscience — pour le bourgeois honnête, les problèmes qu'il soulève devant son curé, relèvent du domaine de l'intelligence. Le libertin parlait à son confesseur; le bourgeois s'adresse au théologien. La question religieuse avait été une question de salut. Pour le bourgeois, elle deviendra un problème de doctrine. Aussi le bourgeois, s'oublie-t-il en quelque sorte lui-

même, quand il discute avec son curé. Ce n'est pas de lui qu'il s'agit, mais d'une prétendue vérité, d'un point de doctrine qu'il faut prouver comme tel. Le curé a raison ou il a tort, il n'y a pas d'autre éventualité. Il n'y a plus de "conditionnel," comme dans le pari de Pascal. "Le parti le plus sûr sera toujours de n'admettre aucun système de religion qu'après s'être convaincu qu'il est fondé sur des preuves évidentes."[1]) Examinons le pour et le contre sans nous laisser déterminer par des questions d'ordre personnel.

Ainsi commenceront ces disputes interminables entre le bourgeois et son curé. Le bourgeois se mesurera avec le prêtre, comme plus tard, il se mesurera avec le noble et le roi. L'incrédulité bourgeoise a en effet un caractère éminemment social. La foi pour le bourgeois n'est pas une simple doctrine qu'il aurait d'abord acceptée et plus tard rejetée. Elle est vue à travers les prêtres. C'est l'Église qui détient la doctrine, ce sont les prêtres qui l'enseignent. Elle n'existe pas en soi; elle n'est jamais, pour ainsi dire, anonyme. On ne peut pas séparer le prêtre et les doctrines. Aussi ne s'agit-il pas d'un monologue sur ce qu'il faut croire ou ne pas croire, d'un examen de conscience, de méditations d'un solitaire. L'incrédulité bourgeoise se développe dans les formes d'un dialogue, dans lequel un des personnages n'a pour lui que son intelligence, tandis que l'autre prétend lui imposer des certitudes et faire état de son autorité. Le bourgeois fait le procès de la foi. Il fait subir un interrogatoire aux prêtres. En attaquant la foi, il se sent parfaitement dans son rôle, tandis que c'est le devoir de l'autre de la défendre. Il y a deux partis, le parti de l'incrédulité et celui de la foi. Et le bourgeois, qui dans ce procès fait nécessairement fonction de plaignant, formule des objections contre la foi. Son rôle lui est prescrit. L'homme peut rester plus ou moins croyant, mais le bourgeois en face du prêtre ne peut faire autrement que de lui lancer le défi et d'émettre des doutes. "Pour peu qu'on ait des lumières, pour peu qu'on soit d'une condition qui laisse quelques loisirs et quelque liberté, on veut, dit-on, savoir pourquoi l'on croit"[2]), dit l'abbé Clément. Et pour le savoir, on s'adresse aux prêtres. C'est à eux, qui sont des théologiens, de se justifier. Mais avec le temps, le bourgeois se désintéressera de plus en plus de ces discussions. Au fond la théologie n'est pas son affaire. Il méprisera les théologiens et se confinera dans son monde à lui, le domaine profane auquel, à son tour, l'accès sera interdit aux prêtres.

"Le plaisir, ce premier écueil de la vie humaine, devient comme l'écueil privilégié de la vie des grands," dit Massillon. "Dans les

[1]) Bergier, l. c., p. 203.
[2]) Migne, l. c., t. 54, col. 1778: Clément.

autres hommes," continue-t-il, "cette passion déplorable n'exerce jamais qu'à demi son empire."[1]) Mais le citoyen obscur aime à imiter la licence des grands. "Combien de simples bourgeois sont aujourd'hui, pour ainsi parler, en fait de délicatesse et de somptuosité, les singes des plus grands seigneurs, des princes mêmes. Les meubles les plus précieux, les plus riches étoffes ne vont pas toutes à la cour: le luxe le plus fastueux ne brille guère moins dans les provinces."[2]) Pourtant, s'il n'y a point d'état que le vice ne puisse corrompre, "il faut convenir que ces conditions médiocres et laborieuses, où les facultés ne permettent pas d'accorder si libéralement à la chair ce qu'elle demande, sont plus à couvert de la contagion, et qu'elle y fait moins de ravages."[3]) Le problème des plaisirs permis aura donc bien moins d'importance pour le "citoyen obscur" qui "vit content dans la médiocrité de sa destinée."[4]) On peut même ajouter que ce problème est mal posé quand on se réfère à la vie bourgeoise, et plus le bourgeois prendra conscience de lui-même, mieux il reconnaîtra que ce qu'il recherche en fait de morale ne se réduit guère à savoir ce qu'il peut se permettre en fait de plaisir.

Le mondain menait une vie douce, molle, oiseuse qu'il estimait "innocente," et il consultait les confesseurs pour le choix de ses plaisirs. Le bourgeois, lui, travaille. Le mondain vit "sans règle et au hasard"; il mène "une vie incertaine, inégale, oiseuse dans son agitation."[5]) Il voudrait savoir des prédicateurs jusqu'où il peut pousser la liberté. Dans la vie bien réglée du bourgeois, il ne s'agira pas de savoir ce qu'on se permet de faire, mais ce qu'il faut qu'on fasse.

Ainsi disparaîtra avec le temps tout un ordre de problèmes qui avait préoccupé à la fois le mondain et le casuiste. Tous ces recueils compliqués de défenses et de permissions dans lesquels on répondait aux questions des mondains perdront leur raison d'être. La vie bourgeoise semble bien plus simple, comporter beaucoup moins de problèmes que celle du mondain. On disputait "sur tout," on trouvait "le secret de donner à tout un air de vraisemblance et de probabilité."[6]) On était parvenu à "introduire un pyrrhonisme général dans toute la morale chrétienne."[7]) Le monde bourgeois

[1]) Massillon, l. c., t. II, p. 616.
[2]) Jean Croiset, Parallèle des Mœurs..., t. I, p. 98.
[3]) Bourdaloue, Sermon sur la Tempérance chrétienne.
[4]) Massillon, l. c., t. II, p. 616.
[5]) Ibidem, p. 205.
[6]) Mémoire concernant l'institution, la doctrine et l'établissement des Jésuites en France, par le P. Griffet, 1762, p. 277 ss.
[7]) Lettre d'un théologien à un évêque sur cette question importante: S'il est permis d'approuver les Jésuites pour prêcher et pour confesser..., 1715, p. 37 ss.

ne connaîtra plus de pyrrhonisme. Dans cette vie bourgeoise, tout ce qui dans la vie mondaine paraissait fort embrouillé, deviendra souple et clair. Le mondain avait fait la preuve qu'on pouvait du moins jusqu'à un certain degré se passer de la religion. Mais cette preuve, il ne l'avait faite que pour la vie mondaine. En s'amusant, en se conformant aux bienséances, il vivait comme si Dieu n'existait pas. Le bourgeois devra faire la preuve qu'on peut se passer de la religion, tout en agissant en homme honnête et laborieux. Le mondain abandonnait la morale de l'Église; le bourgeois aura sa morale à lui. Le mondain avait distingué "l'homme chrétien d'avec l'homme du monde"; le bourgeois séparera l'honnête homme du chrétien. Il ne s'agira plus de savoir si, sans trop de remords, on peut s'abandonner aux penchants du plaisir, mais s'il peut y avoir de la probité sans religion. "Je l'ai dit, chrétiens, et il faut que le monde malgré lui le reconnaisse, que sans la vertu de la religion qui nous assujettit à Dieu et à son culte, il n'y a point de véritable probité parmi les hommes."[1]) Au bourgeois de prouver le contraire.

Une fois qu'il aura fait ses preuves, pourquoi le bourgeois se verrait-il privé des jouissances qui sont à sa portée? Il considère "les anathèmes prononcés contre la vie sensuelle . . . comme des exagérations du zèle" et il répondra, en disant que "l'essentiel est de conserver la probité et la droiture. . . ."[2]) Tout se réduira à être probe et honnête, étant d'ailleurs avéré, comme le prétend un écrivain du temps, que s'il y a encore des "voluptueux," il n'y a plus de "cyniques."[3]) Le bourgeois n'aura donc plus une mauvaise conscience quand il s'adonne aux jouissances qui lui offre cette terre. Il a droit au repos et aux délassements. "Si vous voulez jouir, craignez le malheur de n'avoir rien à faire. C'est à la suite du travail que le repos est un bien."[4]) "Si l'on nous laisse dans une indolence paresseuse où notre action n'ait rien à saisir, nous ne pouvons être heureux . . ."[5]), lit-on dans l'Encyclopédie. La question des plaisirs, sur laquelle discutaient le mondain et le casuiste, était importante dans "une vie qui ne ressemble jamais à elle-même; où chaque jour amène de nouveaux goûts et de nouvelles occupations; où presque jamais rien n'est à sa place."[6]) Mais elle perd son intérêt dans la vie d'un homme réglé qui tient compte de sa

[1]) Bourdaloue, Sermon sur la Religion et la Probité.
[2]) Élisée, Sermon sur l'Évangile du Mauvais Riche. Voir: l'Avocat des Pauvres, t. I, p. 134.
[3]) Desserres de la Tour, Du Bonheur, 1767, p. 166.
[4]) Levesque, L'homme moral ou l'homme considéré tant dans l'état de pure nature que dans la société, 1775, p. 269.
[5]) Encyclopédie, article: Bonheur.
[6]) Massillon, l. c., t. II, p. 205.

"réputation," de sa "fortune," de sa "santé," qui est attentif "à payer ses dettes, à remplir les devoirs de son état," à ne point se "livrer à des passions brutales."[1]) Ainsi le bourgeois pourra vivre d'une vie profane sans avoir mauvaise conscience et sans craindre l'enfer. Aussi n'éprouvera-t-il plus le besoin de se retirer du monde pour se préparer à la mort, comme le faisaient fréquemment les grands seigneurs du siècle de Louis XIV.[2])

Ainsi il est naturel au mondain qui cherche le salut de son âme de se convertir. Mais pourquoi le bourgeois se convertirait-il? il vit et meurt en honnête homme. Il connaît "le secret d'allier les plaisirs innocents, le mérite, l'honneur et la vertu." Il n'a pas de reproche à se faire; il aura de plus su tout arranger d'avance en précision de sa dernière heure. Il est "de décision pour votre salut," dit le Maître de Claville, "d'arranger par avance toutes vos affaires temporelles de n'y laisser ni embarras ni confusion, de ne point recevoir sans quittance, de ne point emprunter sans billet, de compter très régulièrement avec tout le monde, et de ne point laisser de matière à procès." Ainsi le bourgeois aura agi pendant sa vie; il a eu soin d'acquitter ses dettes et de mettre bon ordre dans ses affaires. Mais c'est seulement maintenant, en face de la mort, qu'il se rendra compte "combien ces précautions sont nécessaires pour pouvoir obtenir d'en haut la grâce de bien mourir."[3]) "Un honnête homme qui n'a rien à se reprocher, ne craint rien et n'est jamais peureux," lit-on dans l'Alambic Moral. Le bourgeois aura certainement bien des reproches à s'adresser, mais ses reproches ne se tourneront pas contre la vie qu'il a menée, contre la vie bourgeoise. "Rassemblez tous vos jours passés jusqu'ici: quel vide! quel abîme! quel cours non interrompu d'excès, d'impiétés, de dissolutions!," disait Massillon, en s'adressant aux gens du monde. Et ce n'est pas tel individu en particulier que Massillon attaquait, ce sont les manières de vivre de toute une société, c'est le monde comme tel qui était visé. Le bourgeois, lui, a pour ainsi dire, changé de monde; il connaîtra encore le monde et ses plaisirs, mais ce n'est pas son monde à lui. "Ce qui fait comme le corps de toute notre vie," disait Massillon en s'adressant aux mondains, "c'est l'esprit du monde."[4]) C'est le corps de la vie que devra changer le mondain pour être chrétien. Le bourgeois corrigera ses défauts. Il ne changera pas de vie. La vie bourgeoise est bonne.

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[1]) Le Maître de Claville, Traité du vrai mérite de l'Homme, t. II, p. 155.
[2]) Voir: Saint-Simon, Mémoires. Ed. Chéruel et Régnier, 1718 ss., t. XIV, p. 361; t. XVII, p. 273; t. XIX, p. 189.
[3]) Le Maître de Claville, l. c., p. 238 ss.
[4]) Massillon, l. c., t. I, p. 128; t. II, p. 60.

C'était un crime d'être mondain, ce n'est pas un crime d'être bourgeois.

"Eh quoi, mes très chers Frères!," dira l'abbé Poulle. "Jamais de conversion, jamais de conversion! Devons-nous renoncer à cette douce espérance, la seule récompense digne du ministère que nous exerçons?"[1]) Mais si les profanes sont moins disposés à se convertir que ne l'étaient les chrétiens d'autrefois, cela ne tient pas seulement au fait qu'on est moins croyant. Le problème de la foi ne se pose plus en fonction d'un changement de vie, d'une conversion. L'honnête homme n'a pas à désavouer sa vie; il affirme les valeurs humaines et profanes et les oppose à celles de l'Église.

"On ne parle pas toujours de religion," dit le Maître de Claville. Aussi tracera-t-il le "plan d'une destinée heureuse," dans lequel il établira "une correspondance parfaite entre la droite raison et les plaisirs des sens," dont il conseille l'usage, mais "l'usage toujours modéré, toujours délicat." Cela évidemment choquera "les sectateurs d'une sagesse sombre et mélancolique" qui, "comme ennemis de tout le genre humain," se sont scandalisés de voir le Maître de Claville "allier la sagesse avec les plaisirs."[2]) Mais les "plaisirs innocents" ne sont-ils pas "la félicité de la vie?" "Je conseille l'usage des plaisirs; mais je ne veux pas qu'on s'enivre." Aussi recommande-t-il de prendre bien garde "que ce qui ne doit être que plaisir et amusement, ne prenne pas sur nous l'autorité des passions."[3])

Le mondain, pour s'excuser de mener une vie de plaisirs, demandait à son confesseur quel mal il y avait "à s'habiller, à chanter, à danser, à aller au cours, au bal, à l'Opéra, à la comédie," et le confesseur répondait que le Fils de Dieu n'a certainement pas enduré la mort "pour nous mériter la grâce de jouer, de chanter, de danser, de chercher tous le jours de nouveaux plaisirs."[4]) Mais ces plaisirs dont il est question ici, ce sont les plaisirs du monde, non ceux de la nature, ce ne sont pas ces plaisirs simples, "tels que la tranquillité de la vie, la société, la chasse, la lecture," comme les décrit Fontenelle, et que "les gens accoutumés aux mouvements violents des passions trouvent sans doute fort insipides."

Il ne s'agit plus alors de mondains; mais de ceux que la fortune "a placés dans une condition médiocre."[5]) Pour ceux-ci, il ne

[1]) L'abbé Poulle, Sermon sur la Parole de Dieu, cité dans: P. L. Lacretelle, Œuvres. Ed. Bossange, t. I, 1823.
[2]) Le Maître de Claville, l. c., t. II, p. 14 ss.
[3]) Ibidem, t. I, p. 181 ss.
[4]) Le Vallois S. J., Œuvres spirituelles. Nouv. éd., 1758, t. I, p. 260.
[5]) Fontenelle, Du Bonheur. Œuvres, 1790, t. V, p. 345 ss. et t. II, p. 387.

s'agira plus de savoir, en interrogeant les casuistes, si tel ou tel plaisir peut être toléré. "Soumettez la chair à l'esprit: mais ne l'anéantissez pas; soyez chastes: mais ne vous abstenez pas d'un commerce licite; gardez-vous de l'amour des richesses: mais ne négligez pas de pourvoir à vos besoins."[1]) Voilà comment Toussaint exprimera le sentiment de ceux qui savent "jouir d'un patrimoine honnête" et "se mesurer"[2]) sur leur état. Et que pourrait-on donc trouver à y redire? Ce n'est plus le monde où l'on s'amuse, c'est le monde où l'on veut être heureux. Et pour être heureux, il faut aimer la médiocrité. "Ce n'est point au faîte des grandeurs et de l'opulence qu'on jouit du bonheur le plus assuré; c'est dans un état mitoyen"[3]), écrit Toussaint. Le bourgeois qui sait se tenir dans cet état mitoyen se gardera bien d'un "amour désordonné des richesses," mais il ne doutera pas non plus que, "corrigé par une sage modération," cet amour ne redevienne "une affection innocente." En effet, "l'or comme l'argent étant une conséquence d'une convention générale; la clef du commerce et l'instrument de nos besoins, il n'est pas plus criminel d'en désirer que de souhaiter les choses mêmes qu'on acquière avec ces métaux."[4]) L'homme a droit au bonheur. Comment Dieu pourrait-il se refuser à le reconnaître? Le mondain, quand il s'adonnait aux plaisirs, le faisait avec une mauvaise conscience et il cherchait des excuses. Il n'oubliait donc pas Dieu, puisque même en agissant à l'encontre des lois de l'Évangile, il tenait à ce que Dieu ne lui en tienne pas rigueur. Le bourgeois, quand il recherche des plaisirs modestes, le fera en parfaite bonne conscience. Le plaisir pour lui n'est pas une concession, c'est un droit. Le mondain, quand il invoquait la nature, prétendait par là excuser ses faiblesses; le bourgeois verra dans la nature un titre qui l'autorise à chercher le bonheur.

Tracer le développement de l'incrédulité moderne, est, à partir d'une certaine époque, écrire l'histoire de la bourgeoisie. Cela ne veut pas dire que les origines de l'incrédulité se confondent avec celles de la bourgeoisie même. Il fut un temps où les grands se faisaient libertins, tandis que le bourgeois restait fidèle à la foi. Pourtant ce n'est que lorsque le bourgeois eut, pour ainsi dire, intégré dans le type social qu'il représente l'incrédulité que celle-ci est devenue une puissance qui puisse se dresser contre l'Église.

Mais qu'en est-il du peuple? Si le bourgeois, pour prendre conscience de lui-même, a abandonné la foi, c'est précisément pour

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[1]) Toussaint, Les Mœurs, p. 37 ss.
[2]) Le Maître de Claville, l. c., t. II, p. 11.
[3]) Toussaint, l. c., p. 82.
[4]) Toussaint, l. c., p. 52.

se distinguer de la masse, qui, elle, est restée "superstitieuse." Toutefois on pourrait se demander s'il est bien vrai que le peuple soit resté croyant, tandis que le bourgeois seul serait devenu incrédule. Le curé Girard, dont les "Petits Prônes" s'adressent tout particulièrement aux "peuples de la campagne," nous donne quelques exemples de ce qu'on pourrait appeler l'incrédulité populaire. Il ne s'agit pas de "ces discours affreux et pleins de blasphèmes, qui attaquent directement le Créateur et le culte qu'on lui doit." "Il est peu de gens assez abandonnés," ajoute notre prédicateur, "pour en venir à un tel excès." Bien plus fréquents sont par contre "ces mots imprudents et téméraires," "ces termes peu mesurés," "ces paroles libertines qui attaquent, ou directement ou indirectement, la piété et la religion." Le curé Girard nous cite des exemples: ". . . On n'attaquera pas directement la parole de Dieu; mais on décriera le prédicateur qui l'a débitée; on en fera des railleries insolentes." Ou bien encore: "On ne s'en prend pas absolument à la dévotion, mais on déclame contre ceux qui en font profession: on les traite d'hypocrites et de bigots." D'autres fois les gens de la campagne tiennent des propos qui s'attaquent à l'idéal de l'Évangile qu'on leur prêche. "Rien de plus commun que d'entendre dire: que les bienheureux sont les riches et tous ceux qui ont le moyen de passer la vie agréablement; que la pauvreté, au contraire, est le plus grand mal qui puisse nous arriver, et que les pauvres sont extrêmement malheureux . . . que les honneurs, les charges, les dignités et les grandeurs du siècle sont ce qui rend une personne recommandable, et que les humiliations ne servent qu'à rendre méprisable et faire ramper dans la poussière." Comment alors s'étonner d'entendre les gens de la campagne dire "que les uns ont tout, tandis que les autres n'ont rien; et que les biens sont très mal partagés." Les gens de la campagne sont donc loin d'être toujours les ouailles dociles et soumises qu'on aimerait pouvoir opposer aux bourgeois incrédules.

Mais quelle est au juste la vraie portée des propos que le curé leur reproche? Il y a les discours "contre la piété," il y a les paroles "contraires à la pureté." Pour le curé Girard, ils sont nés d'un même esprit. Il se peut qu'il sous-estimait le poids de certains arguments qui pourront se développer plus tard et devenir des objections auxquelles on tient et qui, mieux raisonnées, pourront paraître irréfutables. Il reste néanmoins vrai qu'il serait faux d'y voir une expression de convictions arrêtées. " . . . On regarde tous ces discours, toutes ces paroles, et contre la piété et contre la charité, contre la pureté, comme des bagatelles; on s'en divertit, on ne daigne pas s'en confesser; on y applaudit; on loue, et on

admire ceux qui les profèrent avec plus d'esprit et de bonne grâce; on les recherche comme des gens d'une agréable conversation," dit le curé Girard qui n'est pas de cet avis et qui prédit à ses auditeurs "une étrange surprise à l'heure de la mort et au jour du redoutable jugement," "lorsqu'on se verra condamné aux peines éternelles pour ces abominables paroles qu'on avait toujours compté pour peu de choses, ou tout à fait pour rien."[1])

Pourtant, en un certain sens, ce sont bien des bagatelles, des bons mots, des saillies, des plaisanteries, des railleries, des blasphèmes, parfois des cris de révolte ou simplement des bravades, peut-être aussi des contestations plus sérieuses qui font douter de tout ce qui est généralement admis et de ce qu'on croit d'ordinaire, sans toutefois pouvoir s'y arrêter et échapper pour toujours aux habitudes. Mais tout cela ne fait pas encore de vrais incrédules. Aussi le curé ne se donnera-t-il pas la peine d'entrer en discussion avec les gens de la campagne. Il lui suffira de les avertir que les propos qu'ils tiennent sont dangereux pour le salut de leur âme et qu'ils est toujours risqué de vouloir s'élever contre les autorités établies.

Il y aurait un curieux rapprochement à faire en matière d'incrédulité entre les grands et le peuple. Chez le peuple et chez les grands l'incrédulité n'est pas une donnée sociale qui pourrait caractériser un type collectif. Elle ne s'appuie pas sur une conscience de classe. Si les grands, d'une part, et les gens du peuple, de l'autre, s'élèvent contre la foi, ils le font, pour ainsi dire, à leurs propres risques et périls. Aussi l'incrédulité, quand elle apparaît chez eux, conserve-t-elle la plupart du temps quelque chose d'incertain et de fluctuant. Ou bien ce sont des paradoxes qui n'engagent toujours qu'incomplètement ceux qui les débitent, des railleries qui ne comportent pas de conviction bien arrêtée. On tient à embarrasser les curés; on s'essaie ainsi à ne plus croire. Mais pour que la foi soit vraiment atteinte et qu'on puisse un jour regarder les croyances comme appartenant à un passé déjà lointain, il faut autre chose. Il fallait que, de même qu'autrefois, la foi se confondît avec l'existence de l'être social, l'incrédulité à son tour relevât non des idées particulières et changeantes des individus, mais d'un ensemble de valeurs et de représentations auxquelles se rattache la vie du groupe. Ni chez les grands, ni chez les paysans on ne trouve les conditions qui permettraient à l'incrédulité de s'identifier à l'esprit même d'une classe. Mais, entre les deux, il y a le bourgeois.

[1]) Girard, ancien curé de Saint-Loup, Les Petits Prônes ou Instructions familières principalement pour les peuples de la campagne. Lyon 1756, t. II (Sur les conversations), p. 177-181; 189 et 190.

Tel qu'il est, il est incrédule. Point n'est besoin que son incrédulité soit un état bien défini. A-t-il, oui ou non, abjuré la foi? Ce n'est pas ainsi qu'il faut poser la question. Il peut avoir des convictions opposées à celles de l'Église, ou bien il dira simplement que ce que les théologiens disent ne l'intéresse pas et qu'il n'en a que faire. Il peut être un homme sans préjugés ou éprouver encore de ces peurs secrètes dont parlent les prédicateurs. Ce sont des variations individuelles qui ne modifient pas essentiellement la donnée sociale. Le bourgeois est, pour ainsi dire, incrédule par état, il l'est parce que bourgeois. Son incrédulité fait partie de sa vie même. Les autres, on peut espérer les ramener à la foi, en les faisant rentrer dans la communauté des fidèles dont ils se sont éloignés. Mais pour que le bourgeois redevienne le fidèle d'autrefois, il eût fallu qu'il cessât, du moins pour cette époque, d'être bourgeois.

Ainsi donc, il y a un rapport étroit, entre la formation de l'esprit bourgeois et le développement de l'incrédulité moderne. Il y avait bien eu, antérieurement à l'avènement de la bourgeoisie, des tentatives de ne pas croire, mais elles ne pouvaient aboutir qu'incomplètement. La vraie lutte contre l'Église ne devait s'engager que lorsque la bourgeoisie, devenue consciente d'elle-même et ayant développé une idéologie propre, sut donner à l'incrédulité un aspect bourgeois et honnête.

An Introduction to Hegel's Philosophy.[1])

By Herbert Marcuse.

I

German idealism has been called the theory of the French Revolution. This does not imply that Kant, Fichte, Schelling and Hegel furnished a theoretical interpretation of the French Revolution, but that their philosophy was largely the German response to the challenge from France: to reorganize the State and Society on a rational basis so that social and political institutions might accord with the freedom and interest of the individual. Despite their bitter criticism of the Terror, the German idealists unanimously welcomed the French Revolution as the dawn of a new era, and linked their basic philosophical principles to the ideals advanced by that revolution.

The ideas of the French Revolution enter the very content of the idealistic concepts and, to a great extent, determine the philosophical structure of the idealistic systems. To the German idealists, the French Revolution not only abolished feudal absolutism and replaced it with the economic and political system of the middle class, but completed what the German Reformation had begun, emancipating the individual as a self-reliant master of his life. Man's position in the world, the mode of his labor and enjoyment, was no longer to depend on some external authority, but on his own free rational activity. Man had passed the long period of immaturity during which he was the victim of overwhelming natural and social forces, and had become the autonomous subject of his own development. From now on, the struggle with nature and with social organization was to be guided by his own progress in knowledge. The world was to be an order of reason.

The ideals of the French Revolution were materialized in the processes of industrial capitalism. Napoleon's empire, while consolidating its economic achievements, liquidated the radical tendencies of the revolution. To the French philosophers of this time

[1]) The author wishes to thank the Oxford University Press, New York, for permission to print this introduction to his forthcoming book "Hegel and the Rise of Social Theory."

the realization of reason came to mean the liberation of industry. Expanding industrial production seemed capable of providing all the necessary means to gratify human wants. Thus, at the same time that Hegel was elaborating his system, Saint-Simon in France was exalting the industry as the sole power which could lead mankind to a free and rational society. The economic process appeared as the foundation of all progress.

Economic development in Germany lagged far behind that in France and England. The German middle class, weak and scattered over numerous territories with divergent interests, could hardly contemplate a revolution. The few industrial enterprises that existed were but small islands within a protracted feudal economy. A strong and centralized State power, such as was exemplified in the Prussian monarchy, seemed the only guarantor of rationality in the midst of disunity and arbitrariness. The individual in his social existence was either the enslaved or the enslaver of his fellow individuals. As a thinking being, however, he could at least comprehend the contrast between the miserable reality and the human potentialities which the new epoch had emancipated, and as a moral person, he could in his private life at least preserve human dignity and autonomy. Thus, while the French Revolution had already begun to assert the reality of freedom, German idealism was first occupying itself with the idea of it. The concrete historical efforts to establish a rational form of society were here transposed to the philosophical plane and appeared in the efforts to elaborate the notion of Reason.

The concept of Reason is central to Hegel's philosophy. For Hegel, philosophical thinking presupposes nothing beyond it. History deals with Reason and with Reason alone, and the State is the realization of Reason. These statements will not be understandable, however, so long as Reason is interpreted as a pure philosophical concept. Hegel's idea of Reason preserves, in an idealistic form, the revolutionary attempts to attain a free and rational order of life. Robespierre's deification of Reason as the "Etre Suprème" is the counterpart to the glorification of Reason in Hegel's system. The core of Hegel's philosophy is a structure the concepts of which, Freedom, Subject, Mind, Notion are derived from the idea of Reason. All of them contain elements of that ideology with which the French middle class justified its action. Unless we succeed in unfolding the concrete content of these concepts and their intrinsic interconnections, Hegel's system will seem to be obscure metaphysics, which it in fact never was.

Hegel himself related his concept of reason to the French Revolution, and did so with the greatest of emphasis. That revolution had demanded that "nothing should be recognized as valid in the organi-

zation of the State (in the constitution) except what has to be recognized according to reason's right."[1])

Hegel further elaborates this idea in his lectures on the philosophy of history: "Never since the sun had stood in the firmament and the planets revolved around it had it been perceived that man's existence centres in his head, i.e. in Thought, inspired by which he builds up the world of reality. Anaxagoras was the first to say that Nous governs the World; but not until now has man advanced to the recognition of the principle that Thought ought to govern spiritual reality. This was accordingly a glorious mental dawn. All thinking beings shared in the jubilation of this epoch."[2])

In Hegel's view, the decisive turn which history took with the French Revolution was that man came to rely on his mind, and dared to submit the given reality to the standards of reason. "Nothing is reason that is not the result of thinking." Man has set out to organize reality according to the demands of his free rational thinking, instead of simply accommodating his thoughts to the given reality and living according to prevailing empirical values. Man is a thinking being. His reason enables him to recognize his own potentialities and those of his world. He is thus not at the mercy of the facts which surround him, but capable of subjecting them to his reason. If he follows its lead, he arrives at certain concepts which comprehend reality as antagonistic to the actual state of affairs. For example, reason finds that freedom belongs to the essence of man, that his individuality requires a sphere of private property as the medium of his fulfillment, and that all men have an equal right to develop their human faculties. Actually, however, bondage and inequality prevail, most men have no liberty at all and are deprived of their last scrap of property. Consequently the "unreasonable" reality has to be altered until it comes into conformity with reason. In the given case, the existing social order has to be reorganized, absolutism and the remainders of feudalism have to be abolished, free competition has to be established, everyone has to be made equal before the law, and so on.

According to Hegel, the French Revolution enunciated reason's ultimate power over reality. He sums this up by saying that the principle of the French Revolution asserted that thought ought to govern reality. The implications involved in this statement lead into the very center of his philosophy. Thought ought to govern reality. What men think to be true, right and good ought to be realized in the actual organization of their societal and individual life. Thinking,

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[1]) *Ueber die Verhandlung der wuerttembergischen Landstaende, Saemtliche Werke*, ed. H. Glockner, Stuttgart 1927, vol. VI, p. 395.

[2]) *Philosophy of History*, transl. by J. Silbree; London 1899, p. 447.

however, varies among individuals, and the resulting diversity of individual opinions cannot provide a guiding principle for the common organization of life. Unless man possesses concepts and principles of thought which denote universally valid conditions and norms, his thought cannot claim to govern reality. In line with the tradition of Western philosophy, Hegel calls the totality of these concepts and principles Reason. The philosophies of the French enlightenment and their revolutionary successors, all posited reason as an objective historical force which, once freed from the fetters of despotism, would make the world a place of progress and happiness for all. By virtue of its own power, reason would triumph over social irrationality, and overthrow the oppressors of mankind. "All fictions disappear before truth, and all follies fall before reason."[1]) The implication, however, that reason will immediately reveal itself in practice is a dogma unsupported by the course of history. Hegel believed in the invincible power of reason as much as Robespierre did. "That faculty which man can call his own, elevated above death and decay, . . . is able to make decisions of itself. It announces itself as reason. Its law-making depends on nothing else, nor can it take its standards from any other authority on earth or in heaven."[2]) To Hegel, however, reason cannot govern reality unless reality is in itself rational. He consequently sets out to demonstrate that reality is adaptable to reason by virtue of the fact that the very structure of the universe is rational. His entire philosophy is an attempt to prove and to verify this assumption. It is founded on a dynamic conception of reality. Reality is a process in which everything passes from one form or stage of existence to another one and constitutes itself as a unity in this movement. It is this conception which Hegel summarizes in his statement that Being is, in its substance, a "subject."[3]) This idea of the "substance as subject," fundamental in Hegel's ontology, is implied in his notion of reason. "Subject" denotes not the epistemological ego or consciousness, but a mode of existence, to wit, that of a developing unity in a process of continuous change. Everything that exists is a real thing only insofar as it operates as a "self" through all its contingent conditions of being. It must thus be considered a kind of "subject" which wields power over its own existence. Its reality lies in the fact that it carries forward its existence in the different states and stages that it attains. For example, the stone is a stone only insofar as it remains the same thing, a stone, throughout

[1]) Robespierre in his report on the cult of the Être suprême, quoted by A. Mathiez, *Autour de Robespierre*, Paris 1926, p. 112.
[2]) Hegel, *Theologische Jugendschriften*, ed. H. Nohl, Tübingen 1907, p. 89.
[3]) *Phenomenology of Mind*, transl. by J. B. Baillie, London 1910, p. 15.

its action and reaction upon the things and processes that interact with it. It gets wet in the rain; it resists the axe; it withstands a certain load before it gives way. Being-a-stone is a continuous holding out against everything that acts on the stone; it is a continuous process of becoming and being a stone. To be sure, the "becoming" is not consummated by the stone as a conscious subject. The stone is changed in its interactions with rain, axe, and load; it does not change itself. A plant, on the other hand, unfolds and develops itself. It is not now a bud, then a blossom, but rather the whole movement from bud through blossom to decay. The plant constitutes and preserves itself in this movement. It comes much nearer to being an actual "subject" than does the stone, for the various stages of the plant's development grow out of the plant itself; they are its "life" and are not brought about from the outside.

The plant, however, does not "comprehend" this development. It does not "realize" it as its own and, therefore, cannot reason its own potentialities into being. Such "realization" is the process of the true subject and is reached only with the existence of man. Man alone has the power of self-realization, the power to be a self-determining subject in all processes of becoming, for he alone has an understanding of potentialities and a knowledge of "notions." His very existence is the process of actualizing his potentialities, of molding his life according to the notions of reason. We encounter here the most important category of reason, namely, freedom. Reason presupposes freedom, the power to act in accordance with the knowledge of the truth, the power to shape reality in line with its potentialities. The fulfillment of these ends belongs only to the subject who is master of his own development and who understands his own potentialities as well as those of the things around him. Freedom, in turn, presupposes reason, for it is comprehending knowledge alone which enables the subject to gain and to wield this power. The stone does not possess it; neither does the plant. Both lack comprehending knowledge and hence real subjectivity. "Man, however, knows what he is,—only thus is he real—Reason and freedom are nothing without this knowledge."[1])

Reason terminates in freedom, and freedom is the very existence of the subject. On the other hand, reason itself exists only through its realization, the process of its being made real. Reality answers to reason only because there is subjectivity in the world, in other words, that which by its very existence carries reason into the world. Reason is an objective force, and an objective reality only because all modes

[1]) *Vorlesungen über die Geschichte der Philosophie*, ed. J. Hoffmeister, Leipzig 1938, p. 104.

of being are more or less modes of subjectivity, modes of realization. Subject and object are not sundered by an unbridgeable gap, because the object is in itself a kind of subject and because all types of being culminate in the free "comprehensive" being of man who is able to realize reason. Nature becomes a medium for the development of freedom in the history of mankind.

The life of reason constitutes man's continuous struggle to comprehend what exists and to transform it in accordance with the truth comprehended. Reason, then, is essentially a historical force. Its fulfillment takes place as a process in the spatio-temporal world, and is, in the last analysis, the whole history of mankind. The term that designates reason as history is Mind (*Geist*). Mind denotes the historical world viewed in relation to the rational progress of humanity,—the historical world not as a chain of acts and events but as a ceaseless struggle to adapt the world to the growing potentialities of mankind.

History is organized into different periods, each marking a separate level of development, each representing a definite stage in the realization of reason. Each stage is to be grasped and understood through the prevailing ways of thinking and living which characterize it, through its political and social institutions, its science, or religion and philosophy. Different stages occur in the realization of reason, but there is only one reason, just as there is only one whole and one truth: the reality of freedom. "This final goal it is, at which the process of the world's history has been continually aiming, and to which the sacrifices that have ever and anon been laid on the vast altar of the earth, through the long lapse of ages, have been offered. This is the only final aim that realizes and fulfills itself; the only pole of repose amid the ceaseless chain of events and conditions, and the sole true reality in them."[1]) An immediate unity of reason and reality never exists. The unity comes only after a lengthy process, which begins at the lowest level of nature and reaches up to the highest historical existence, that of a free and rational mankind, living and acting in the selfconsciousness of its potentialities. As long as there is any gap between real and potential, the former must be acted upon and changed until it is brought into line with reason. As long as reality is not shaped by reason, it remains no reality at all, in the emphatic sense of the word. Thus reality changes its meaning within the conceptual structure of Hegel's system. "Real" comes to mean not everything that actually exists (this should rather be called appearance) but that which exists in a form concordant with the

[1]) *Philosophy of History*, loc. cit., pp. 19-20.

standards of reason. "Real" is the reasonable (rational), and that alone. For example, the State becomes a reality only when it corresponds to the given potentialities of men and permits their full development. Any preliminary form of the State is not yet reasonable, and, therefore, not yet real.

Hegel's concept of reason thus has a distinctly critical and polemic character. It is opposed to all ready acceptance of the given state of affairs. It contradicts every prevailing form of existence, destroys its claim to be true, and overrules it by passing to a higher form. We shall attempt to show that the "spirit of contradicting" is the driving motive of Hegel's dialectical method.[1])

In 1793, Hegel wrote to Schelling: "Reason and freedom remain our principles." In his early writings, no gap exists between the philosophical and the social meaning of these principles; which are expressed in the same revolutionary language the French Jacobins used. For example, Hegel says the significance of his time lies in the fact that "the halo which has surrounded the leading oppressors and gods of the earth has disappeared. Philosophers demonstrate the dignity of man; the people will learn to feel it and will not merely demand their rights, which have been trampled in the dust, but will themselves take them,—make them their own. Religion and politics have played the same game. The former has taught what despotism wanted to teach, contempt for humanity and the incapacity of man to achieve the good and to fulfill his essence through his own efforts."[2]) We even encounter more extreme statements which urge that the realization of reason requires a social scheme that countervenes the given order. In the *Erstes Systemprogramm des Deutschen Idealismus*, written in 1796, we find the following: "I shall demonstrate that, just as there is no idea of a machine, there is no idea of the State, for the State is something mechanical. Only that which is an object of freedom may be called an idea. We must, therefore, transcend the State. For every State is bound to treat free men as cogs in a machine. And this is precisely what it should not do; hence, the State must perish."[3])

However, the radical purport of the basic idealistic concepts is slowly relinquished and they are to an ever increasing extent made to fit in with the prevailing societal form. This process is, as we shall see, necessitated by the conceptual structure of idealism, which retains the decisive principles of liberalistic society and prevents any

[1]) Hegel himself once characterized the essence of his dialectic as the "spirit of contradicting" (Eckermann, *Gespraeche mit Goethe in den letzten Jahren seines Lebens*, October 18, 1827).

[2]) Hegel, Letter to Schelling, April 1795.

[3]) *Dokumente zu Hegels Entwicklung*, ed. J. Hoffmeister, Stuttgart 1936, p. 234.

crossing beyond it. The particular form, however, which the reconciliation between philosophy and reality assumed in Hegel's system, is determined by the actual situation of Germany in the period when he elaborated his system. Hegel's early philosophical concepts were formulated amid a decaying German Reich. As Hegel declared at the opening of his pamphlet on the German Constitution (1802), the German State of the last decade of the XVIIIth century was "no longer a State." The remains of feudal despotism still held sway in Germany, the more oppressive because split into a multitude of petty despotisms, each competing with the other. The Reich "consisted of Austria and Prussia, the Prince-Electors, 94 ecclesiastical and secular princes, 103 barons, 40 prelates, and 51 Reich towns; in sum, it consisted of nearly 300 territories." The Reich itself "possessed not a single soldier, its yearly income amounting to only a few thousand florins." There was no centralized jurisdiction; the Supreme Court (*Reichskammergericht*) was a breeding ground "for graft, caprice, and bribery."[1]) Serfdom was still prevalent, the peasant was still a beast of burden. Some princes still hired out or sold their subjects as mercenary soldiers to foreign countries. Strong censorship operated to repress the slightest traces of enlightenment.[2]) A contemporary depicts the current scene in the following words. "Without law and justice, without protection from arbitrary taxation, uncertain of the lives of our sons, and of our freedom and our rights, the impotent prey of despotic power, our existence lacking unity and a national spirit . . .—this is the status quo of our nation."[3])

In sharp contrast to France, Germany had no strong, conscious, politically educated middle class to lead the struggle against this absolutism. "Hardly anyone in Germany," remarked Goethe, "thought of envying this tremendous privileged mass, or of begrudging them their happy advantages."[4]) The urban middle class, distributed among numerous townships, each with its own government and its own local interests, was impotent to crystallize and effectuate any serious opposition. To be sure, there were conflicts between the ruling patricians and the guilds and artisans. But these nowhere reached the proportions of a revolutionary movement. Burghers accompanied their petitions and complaints with a prayer that God protect the Fatherland from "the terror of revolution."[5])

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[1]) Th. Perthes, *Das Deutsche Staatsleben vor der Revolution*, Hamburg 1845, pp. 19. 34, 41.—See also W. Wenck, *Deutschland vor hundert Jahren*, Leipzig 1887.

[2]) K. T. v.Heigel, *Deutsche Geschichte vom Tode Friedrichs des Grossen bis zur Auflösung des alten Reichs*. Stuttgart 1899 ff., vol. 1, p. 77.

[3]) J. Müller, in v. Heigel, l. c., p. 115.

[4]) *Dichtung und Wahrheit*, in: *Werke*, *Cottasche Jubiläumsausgabe*, vol. 22, p. 51.

[5]) v. Heigel, loc. cit., pp. 305-6.

Since the German Reformation, the masses had become used to the fact that, for them, liberty was an "inner value" which was compatible with every form of bondage, that due obedience to existing authority was a prerequisite to everlasting salvation, and that toil and poverty were a blessing in the eyes of the Lord. A long process of disciplinary training had introverted the demands for freedom and reason in Germany. One of the decisive functions of Protestantism had been to induce the emancipated individuals to accept the new social system that arose with it by diverting their claims and demands from the external world into their inner life. Luther established Christian liberty as an internal value to be realized independently of any and all external conditions. Social reality became indifferent as far as the true essence of man was concerned. Man learned to "turn within" his demand for the satisfaction of his potentialities and "to seek within" himself, not in the outer world, his life's fulfillment.[1]) The rise of German *culture* is inseparable from its origin in Protestantism. There arose a realm of beauty, freedom, and morality, which was not to be shaken by external realities and struggles; it was detached from the miserable social world and anchored in the "soul" of the individual. This development is the source of a widely visible tendency in German idealism: its character of resignation to and reconciliation with social reality. We have already mentioned its critical rationalism; this tendency and its reconciliatory introversion constantly conflict with each other. Ultimately, the ideal with its critical aspects set forth, a rational political and social reorganization of the world, becomes frustrated and is incorporated into the existing order. The world of culture is the sphere through which this renunciation is fully exercised. Cultural values triumph over material circumstances.

The "educated" classes isolated themselves from practical affairs and, thus rendering themselves impotent to apply their reason to the reshaping of society, fulfilled themselves in a realm of science, art, philosophy and religion. That realm became for them the "true reality" transcending the wretchedness of existing social conditions; it was alike the refuge for truth, goodness, beauty, happiness and, most important, for a critical temper which could not be turned into social channels. Culture was, then, essentially idealistic, occupied with the *idea* of things rather than with the things themselves. It set freedom *of thought* before freedom *of action*, morality before practical justice, the inner life before the social life of man. This ideal-

[1]) See *Studien über Autorität und Familie. Forschungsberichte aus dem Institut für Sozialforschung*, Paris 1936, p. 136 ff. and *Zeitschrift für Sozialforschung*, vol. V, Paris 1936, p. 188 et seq.

istic culture, however, just because it stood aloof from an intolerable reality and thereby maintained itself intact and unsullied, served, despite its false consolations and glorifications, as the repository for truths which had not been realized in the history of mankind.

Hegel's system is the last great expression of this cultural idealism, the last great attempt to render thought a refuge for reason and liberty. The original critical impulse of his thinking, however, was strong enough to induce him to abandon the traditional aloofness of idealism from history. He made philosophy a concrete historical factor and drew history into philosophy. History, however, when comprehended, shatters the idealistic framework. Hegel's system is necessarily associated with a definite political philosophy, and with a definite social and political order. The dialectic of Civil Society and the state of the Restoration are not incidental in Hegel's philosophy, nor are they just a part of his Philosophy of Right; their principles already operate in the basic conceptual structure of Hegel's system. His basic concepts are, on the other hand, but the culmination of the entire tradition of Western thought. They become understandable only when interpreted within this tradition.

We have thus far attempted in brief compass to place the Hegelian concepts in their concrete historical setting. It remains for us to trace the starting point of Hegel's system to its sources in the philosophical situation of his time.

II

German idealism rescued philosophy from the attack of British empiricism, and the struggle between the two became not merely a clash of different philosophical schools, but a struggle for philosophy as such. Philosophy had never ceased to claim the right to guide man's efforts toward a rational mastery of nature and society, nor to base this claim upon the fact that philosophy elaborated the highest and most general concepts for knowing the world. With Descartes, the practical bearing of philosophy assumed a new form. He announced a "practical philosophy by means of which, knowing the force and the action of fire, water, air, the stars, heavens and all other bodies that environ us . . . we can employ them in all those uses to which they are adapted, and thus render ourselves the masters and possessors of nature."[1]) The achievement of this task was, to an ever increasing extent, bound up with the establishment of universally valid laws and concepts in knowledge. Rational mastery of

[1]) Discourse on Method, part VI, in: *Philosophical Works*, ed. by E. S. Haldane and G. R. T. Ross, Cambridge 1931, vol. I, p. 119.

nature and society presupposes knowledge of the truth, and the truth is a universal as contrasted to the multifold appearance of things or to their immediate form in the perception of individuals. The same conviction motivated the earliest attempts of Greek epistemology. The truth is universal and necessary, and thus contradicts the ordinary experience of change and accidence. This conception that the truth is antagonistic to the matters of fact of existence and independent of contingent individuals, has run through the entire historical epoch in which man's social existence has been characterized by the antagonisms of conflicting individuals and groups. The universal has been "hypostatized" as a philosophical reaction to the historical fact that, in society, the common interest is asserted only "behind the back of" the individual. When, in modern society, the demand was raised that an appropriate social order must be brought about through the knowledge and activity of emancipated individuals, the contrast between universal and individual took on an aggravated form. It was supposed that all men were free and equal, but in acting according to their knowledge and in the pursuit of their interest, they created and experienced an order of oppression, injustice and recurring crises. The general competition between free economic subjects did not permit a rational community which might safeguard and gratify the wants and desires of all men. The life of society was surrendered to the economic mechanisms of commodity production which opposed individuals to one another as isolated buyers and sellers of labor-power. This actual lack of a rational community was responsible for the philosophical quest for the unity (*Einheit*) and universality (*Allgemeinheit*) of reason.

Does the structure of individual reasoning (the subjectivity) yield any general laws and concepts which might constitute universal standards of rationality? Can a universal rational order be built upon the autonomy of the individual? In expanding on an affirmative answer to these questions, the epistemology of German idealism aimed at a unifying principle that would preserve the basic ideals of individualistic society without falling victim to its antagonism. The English empiricists had demonstrated that not a single concept or law in knowledge could lay claim to universality, that the unity of reason is but the unity of custom or habit, adhering to the facts but never governing them. According to the German idealists, this attack jeopardized all efforts to impose an order on the prevailing forms of life. Unity and universality were not to be found in empirical reality; they were not given facts. Moreover, the very structure of this reality seemed to warrant the assumption that they could never be derived from the given facts. If men did

not succeed, however, in creating unity and universality through their autonomous reason and even in contradiction to the facts, not only theoretical truth but man's concrete existence itself would have to be surrendered to the blind pressures and processes of the prevailing empirical order of life, and the implications of this were not simply philosophical but concerned the historical destiny of humanity. Within German idealism, the latter implication of epistemology appears in the connection between theoretical and practical reason, a connection shared by all the systems of German idealism. There is a necessary transition from Kant's analysis of the transcendental consciousness to his demand for the community of a *Weltbürgerreich*, from Fichte's concept of the pure Ego to his construction of a totally unified and regulated society (*der geschlossene Handelsstaat*), and from Hegel's Idea of Reason to his designation of the State as the union of the common and the individual interest, and thus as the realization of Reason.

The idealistic counter-attack was provoked not by the empiricist approaches of Locke and Hume, but by their destruction of the principle that reason is universal and necessary. Philosophy was threatened not by the empiricist insistence that "observation and experiment" was the sole basis of science and philosophy, but by its refutation of general ideas. We have attempted to show that reason's right to shape reality depended upon man's ability to hold generally valid truths. Reason could lead beyond the brute fact of what is, to the realization of what ought to be only by virtue of the universality and necessity of its concepts (which in turn are the criteria of its truth). These concepts the empiricists denied. General ideas, said Locke, are "the inventions and creatures of the understanding, made by it for its own use, and concern only signs. . . . When therefore we quit particulars, the generals that rest are only the creatures of our own making. . . ."[1]) For Hume, general ideas are abstracted from the particular, and "represent" the particular and the particular only.[2]) They can never provide universal rules or principles. If we do possess such principles, they derive from other sources. If Hume was to be accepted, the claim of reason to organize reality had to be rejected. For as we have seen, this claim was based upon reason's faculty to attain truths, the validity of which was not derived from experience and which could in fact stand against experience.

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[1]) "Essay Concerning Human Understanding" Book III, ch. 3, sec. ii., in: *Philosophical Works*, ed. J. A. St. John, London 1903, vol. II, p. 14.

[2]) *A Treatise of Human Nature*, Book I, Part I, Section VII. ed. L. A. Selby-Bigge, Oxford 1928, p. 17 ff.

" 'Tis not . . . reason, which is the guide of life, but custom."[1]) This conclusion of the empiricist investigations did more than undermine metaphysics. It confined men within the limits of "the given," within the existing order of things and events. Whence could man obtain the right to go beyond not some particular within this order, but beyond the entire order itself? Whence could he obtain the right to submit this order to the judgment of reason? If experience and custom were to be the sole source of his knowledge and belief, how could he act against custom, how act in accordance with ideas and principles as yet not accepted and established? Truth could not oppose the given order nor reason speak against it. The result was not only skepticism but conformism. The empiricist restriction of human nature to knowledge of "the given" removed the desire both to transcend the given and to despair about it. "For nothing is more certain, than that despair has almost the same effect upon us as enjoyment, and that we are no sooner acquainted with the impossibility of satisfying any desire, than the desire itself vanishes. When we see, that we have arrived at the utmost extent of human reason, we sit down contented."[2])

The German idealists regarded this philosophy as expressing the abdication of reason. Attributing the existence of general ideas to the force of custom, and the principles by which reality is understood, to psychological mechanisms, was, to them, tantamount to a denial of truth and reason. Human psychology, they saw, is subject to change, is, in fact, a domain of uncertainty and chance from which no necessity and universality could be derived. And yet, such necessity and universality were the sole guarantee of reason. Unless, the idealists declared, the general concepts which claimed such necessity and universality could be shown to be more than the product of imagination, could be shown to draw their validity neither from experience nor from individual psychology, unless, in other words, they were shown applicable to experience without arising from experience, reason would have to bow to the dictates of the empirical teaching. And if cognition by reason, that is, by concepts that are not derived from experience, means metaphysics, then the attack upon metaphysics was at the same time an attack upon the conditions of human freedom, for the right of reason to guide experience was a proper part of these conditions.

Furthermore, Hume's doctrine threatened to destroy the very

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[1]) Hume, *An Abstract of A Treatise of Human Nature*, published for the first time in 1938, Cambridge University Press, p. 16.

[2]) Hume, *Treatise*, loc. cit., Introduction, p. XXII.

basis of science. According to him, experience yields no facts or connexities which might justify necessary and universal judgments. But the fact remains that such judgments are formed and that they do yield real knowledge. At least two sciences, the idealists contended, are predicated on the possibility of universal necessary judgments: mathematics and physics. Unless these are unsound in their foundations, they must derive the validity of their judgments from a source other than experience. Hume had thus attacked not only metaphysics but the entire structure of the exact sciences.

Kant adopted the view of the empiricist that all human knowledge begins with and terminates in experience, that experience alone provides *the material* for the concepts of reason. There is no stronger empiricist statement than that which opens his Critique of Pure Reason. "All thought must, directly or indirectly, . . . relate ultimately to intuitions, and therefore, with us, to sensibility, because in no other way can an object be given to us." Kant maintains, however, that the empiricists had failed to demonstrate that experience also furnishes the means and modes by which this empirical material is organized. If it could be shown that these principles of organization were the genuine possession of the human mind and did not arise from experience, then the independence and freedom of reason would be saved. Experience itself would become the product of reason, for it would then not be the disordered manifold of sensations and impressions but the comprehensive organization of these. Kant set out to prove that the human mind possessed the universal "forms" which organized the manifold of data furnished to it by the senses. The forms of "intuition" (space and time) and the forms of "understanding" (the categories) are the universals through which the mind orders the sense manifold into the continuum of experience. They are *a priori* to each and every sensation and impression, so that we "get" and arrange impressions under these forms. Experience presents a necessary and universal order only by virtue of the *a priori* activity of the human mind which perceives all things and events in the form of space and time and comprehends them under the categories of unity, reality, substantiality, causality, and so on. These forms and categories are not derived from experience, for, as Hume had pointed out, no impression or sensation can be found which corresponds to them; yet experience, as an organized continuum, originates in them. They are universally valid and applicable because they constitute the very structure of the human mind. The world of objects, as a universal and necessary order, is produced by the subject,—not by the individual, but by those acts of intuition and understanding that are common to all individuals since

they constitute the very conditions of experience.

This common structure of the mind Kant designates as "transcendental consciousness." It consists of the forms of intuition and of understanding, which, in Kant's analysis, are not static frames but forms of operation that exist only in the act of apprehending and comprehending. They are the *a priori* principles which organize the data of sense into universal connections, yielding the synthetic unity of experience. The transcendental forms of intuition or outer sense synthesize the manifold of sense data into a spatio-temporal order. By virtue of the categories, the results of this are brought into the universal and necessary relations of cause and effect, substance, reciprocity, and so on. And this entire complex is unified in the "transcendental apperception" which relates all experience to the thinking ego, thereby giving experience the continuity of being "my" experience. These processes of synthesis, *a priori* and common to all minds, hence universal, are interdependent and are brought to bear in toto in every act of knowledge.

What Kant calls the "highest" synthesis, that of transcendental apperception, is the experience of an "I think" which accompanies every experience. Through it, the thinking ego knows itself as continuous, present, and active throughout the series of its experiences. The transcendental apperception therefore, is the ultimate basis for the unity of the subject and, hence, for the universality and necessity of all the objective relations.

Transcendental consciousness depends on the material received through the senses. The multitude of these impressions, however, becomes an organized world of coherent objects and relations only through the operations of transcendental consciousness. Since, then, we know the impressions only in the context of the a priori forms of the mind, we cannot know how or what the "things-in-themselves" are that give rise to the impressions. These things-in-themselves, presumed to exist outside of the forms of the mind, remain completely unknowable.

Hegel regarded this skeptical element of Kant's philosophy as vitiating to his attempt to rescue reason from the empiricist onslaught. As long as the things-in-themselves were beyond the capacity of reason, reason remained a mere subjective principle without power over the objective structure of reality. And the world thus fell into two separate parts, subjectivity and objectivity, understanding and sense, thought and existence. This separation was not primarily an epistemological problem for Hegel. Time and again he stressed that the relation between subject and object, their opposition, denoted a concrete conflict in existence, and that its solution, the union of the

opposites, was a matter of practice as well as of theory. Later, he described the historical form of the conflict as the "alienation" (*Entfremdung*) of Mind, signifying that the world of objects, originally the product of man's labor and knowledge, becomes independent of man and comes to be governed by uncontrolled forces and laws in which man no longer recognizes his own self. At the same time, thought becomes estranged from reality and the truth becomes an impotent ideal preserved in thought while the actual world is calmly left outside its influence. Unless man succeeds in reuniting the separated parts of his world and in bringing nature and society under the scope of his reason, he is forever doomed to frustration. The task of philosophy in this period of general disintegration is to demonstrate the principle of the missing unity and totality.

Hegel sets forth this principle in the concept of reason. We have attempted to sketch the socio-historical and philosophical origins of this notion. Both these roots terminate in his concept of reason effecting a juncture of the progressive ideas of the French Revolution with the given level of development of the problems of traditional philosophy. Reason is the veritable form of reality in which all antagonisms of subject and object are integrated to form a genuine unity and universality. Hegel's philosophy is thus necessarily a system, subsuming all realms of being under the all-embracing idea of reason. The inorganic as well as the organic world, nature as well as society, are here brought under the sway of Mind.

Hegel considered philosophy's systematic character to be a product of the historical situation. History had reached a stage at which the possibilities for realizing human freedom were at hand. Freedom, however, presupposes the reality of reason. Man can be free, can develop all his potentialities, only if his entire world is dominated by an integrating rational will and by knowledge. And the Hegelian system anticipates a state in which this possibility has been achieved. The historical optimism that is patent here provided the basis for Hegel's so-called "pan-logism" which treats every form of being as a form of reason. The transitions from the Logic to the Philosophy of Nature, and from the latter to the Philosophy of Mind are made on the assumption that the laws of nature spring from the rational structure of being and lead in a continuum to the laws of the Mind. The realm of Mind achieves in freedom what the realm of nature achieves in blind necessity,—the fulfillment of the potentialities inherent in reality. It is this state of reality which Hegel refers to as "the truth." Truth is not only attached to propositions and judgments, it is, in short, not only an attribute of thought but of

reality in process. Something is true if it is what it can be, fulfilling all its objective possibilities. In Hegel's language, it is then identical with its "notion." The notion has a dual use. It comprehends the nature or essence of a subject-matter, and thus represents the true thought of it. At the same time, it refers to the actual realization of that nature or essence, its concrete existence. All fundamental concepts of the Hegelian system are characterized by the same ambiguity. They never denote mere concepts (as in formal logic), but forms or modes of being comprehended by thought. Hegel does not presuppose a mystical identity of thought and reality but he holds that the right thought represents reality because the latter, in its development, has reached the stage at which it exists in conformity with the truth. His so-called "pan-logism" comes close to being its opposite: one could say that he takes the principles and forms of thought from the principles and forms of reality. The logical laws reproduce those governing the movement of reality. For example, the unification of opposites is a process Hegel demonstrates in the case of every single existent. "Judgment" is an occurrence in reality. Take, for example, the judgment: man is a slave. According to Hegel, it means that the subject, man, has become a predicate, enslaved, and remains himself in this process of change. Although he is a slave, he is still man, thus essentially free and hence opposed to his actual condition. The judgment does not simply attribute a predicate to a stable subject but denotes a dynamic process of the subject. Consequently, when in Hegel's logic concepts pass from one form to another, this refers to the fact that, to true thinking, one form of being passes to another. Reality appears as a process in which all characterizations of it in fixed forms reveal themselves to be mere abstractions, and only the totality of all forms determines the content of every particular.

We have emphasized the fact that, to Hegel, reality has reached a stage at which it exists in truth. This statement now needs a correction. Hegel does not mean that everything that exists does so in conformity with its potentialities but that the Mind has attained the self-consciousness of its freedom, and become capable of freeing nature and society. The realization of reason is not a fact but a task. The form in which the objects immediately appear is not yet their true form. What is simply given is at first negative, other than its real potentialities. It becomes true only in the process of overcoming this negativity, so that the birth of the truth requires the death of the given state of being. Hegel's optimism is based upon a destructive conception of the given. All forms are seized by the dissolving movement of reason which cancels and alters them until they are adequate to their notion. It is this movement which thought reflects in the process

of "mediation" (*Vermittlung*). If we follow the true content of our perceptions and concepts, all delimitation of stable objects collapses. They are dissolved into a multitude of relations which exhaust the developed content of these objects, and terminate in the comprehending activity of man. This activity eventually achieves the truth. The final process of mediation is the conscious historical practice of mankind. When this practice has attained the level of free rationality, there no longer exists any unmediated fact (*unvermittelt*), nor anything that stands as a mere object over against the conscious subject. Everything is then mastered by the comprehending power of reason. The objective world loses its character of blind necessity and becomes the lucid medium for the freely developing subject. Nature is united with history, and the union of subject with object is materialized in a social form.

Hegel's philosophy is indeed what the subsequent reaction termed it, a negative philosophy. It is originally motivated by the conviction that the given facts which appear to common sense as the positive index of truth are in reality the negation of truth, so that truth can only be established by their destruction. The driving force of the dialectical method lies in this critical conviction. Dialectic in its entirety is linked to the conception that all forms of being are permeated by an essential negativity, and that this negativity determines their content and movement. The dialectic represents the counter-thrust to any form of positivism. From Hume to the present-day logical positivists, the principle of this latter philosophy has been the ultimate authority of the fact, and observing the immediate given has been the ultimate method of verification. In the middle of the XIXth century, and primarily in response to the destructive tendencies of rationalism, positivism assumed the peculiar form of an all-embracing "positive philosophy," that took up the torch of traditional metaphysics. The protagonists of this positivism took great pains to stress the conservative and affirmative attitude of their philosophy: it induces thought to be satisfied with the facts, to renounce any transgression beyond them, and to bow to the given state of affairs. To Hegel, the facts in themselves possess no authority. They are "posited" (*gesetzt*) by the subject which has mediated them with the comprehensive process of its development. Verification rests, in the last analysis, with this process to which all facts are related and which determines their content. Everything that is given has to be justified before reason which is not a metaphysical substance but the historical totality of nature's and man's capacities.

Hegel's philosophy, however, which begins with the negation of

the given and retains this negativity throughout, concludes with the declaration that history has achieved the reality of reason. Hegel thought that mankind had become capable of attaining freedom without making the leap to a new form of society. Hegel's basic concepts were still bound up with the social structure of the prevailing system, and in this respect, too, German idealism may be said to have preserved the heritage of the French Revolution.

However, the "reconciliation of idea and reality," proclaimed in Hegel's "Philosophy of Right," contains a decisive element that points beyond mere reconciliation. This is the doctrine that announces the negation of philosophy. Philosophy reaches its end when it has formulated its view of a world in which reason is realized. If at that point reality contains the conditions necessary to materialize reason in fact, thought can cease to concern itself with the ideal and undertake to comprehend what is. The truth now would require actual historical practice to fulfill it. With the relinquishment of the ideal, philosophy relinquishes its critical task and passes it to another agency. The final culmination of philosophy is thus at the same time its abdication. Released from its pre-occupation with the ideal, philosophy is also released from its opposition to reality. This means that it ceases to be philosophy.[1]) It does not follow, however, that thought must then comply with the existing order. Critical thinking does not cease, but assumes a new form. The efforts of reason devolve upon social theory and social practice.

[1]) See Max Horkheimer's article, "The Social Function of Philosophy," in this issue.

On Kierkegaard's Doctrine of Love.

By T. W. Adorno.

The observations presented in this study are intended to be philosophical rather than historical. They attempt to throw some light on a text of Sören Kierkegaard, concerning the position of basic concepts of religious ethics in the present situation. At the same time I should like to go beyond a mere critical analysis of the text. There may also be some historical interest involved in the analysis, since the work to be discussed is one of Kierkegaard's lesser known writings. As far as I know, it is not accessible in English. It is the book *Leben und Walten der Liebe* (Works of Love), published in 1847, a collection of so-called edifying discourses linked to each other by the concept of Christian love.

Kierkegaard's literary production falls into two distinctly separate parts, the philosophical writings and the religious sermons. This rough and schematic division is justified in Kierkegaard's case: justified by himself. Whereas all his philosophical writings were published anonymously—even those with the open theological tendencies of his later period, such as the *Krankheit zum Tode* (Sickness unto Death) and the *Einübung im Christentum* (Training in Christianity) —he published the religious sermons under his own name. This distinction was made most methodically. He alternated between these two methods of publication from the very beginning of his literary career, since *Entweder/Oder* (Either/Or). He was guided in this procedure by the basic idea that one ought to lure man into Truth. That is to say, truth, according to Kierkegaard, is no "result," no objectivity independent of the process of its subjective appropriation, but really consists in the process of subjective appropriation itself. In his philosophical writings, Kierkegaard goes so far as to say that subjectivity is the truth. This sentence is not, of course, to be understood in the sense of philosophical subjectivism, such as Fichte's, of whose language it reminds one. Its intrinsic meaning is that Truth exists in the living process of Faith, theologically speaking, in the imitation of Christ. Kierkegaard's philosophical writings attempt to express this process of existential appropriation through its different stages—which he calls aesthetic, ethical and religious—and to guide

the reader by the dialectics of these stages to the theological truth. But he deemed it necessary to contrast as the "corrective" to this process the positive Christianity which one should achieve, though Kierkegaard never pretended to have achieved it himself. This contrast is provided by religious sermons. One may safely assume that Kierkegaard, who did not share philosophy's optimism of being able to produce the Absolute from itself, rebuffed this optimism even where his own philosophy was involved. In other words, he did not believe that a pure movement of thought could possibly lead up to Christianity, but only, in Kierkegaard's language, to the border of Christianity. He regards that Christian standpoint as being based on revelation. Hence, it maintains a transcendence of the movement of thought which does not permit philosophy to reach Christianity by a procedure of gradual transitions. According to this conviction, the Christian, from the very beginning, must face philosophy independently and distinctly. With Kierkegaard philosophy assumes the paradoxical task of regaining the lost position of an *Ancilla theologiae* and, in the last analysis, must abdicate. One may just as easily formulate the relation in the reverse way. The idea of a reason which attains the Absolute not by maintaining itself in complete consistency of thinking, but by sacrificing itself, indicates not so much the expropriation of philosophy by theology as the transplantation of theology into the philosophical realm. Indeed, the Christian, as a stage, fits perfectly into the hierarchy of Kierkegaard's philosophy, and all the categories which Kierkegaard regards as specifically Christian appear within the context of his philosophical deductions. They are, as it were, invested only post festum with the insignia of Christian revelation. This is particularly true of the doctrine of the radically different, of the qualitative jump, and of the paradox. These questions, however, can be settled only in connection with an actual text of Kierkegaard's.

The text to be discussed here has a particular bearing upon these questions. What is introduced here as an exegesis of Christian Love, is revealed, through a more intimate knowledge of Kierkegaard's philosophy, as supplementing his negative theology with a positive one, his criticism with something edifying in the literal sense, his dialectics with simplicity. It is this very aim which makes Kierkegaard's sermons such tiresome and unpleasant reading. At every point, they bear the hallmarks of his trend of thought. Yet at the same time, they deny this strain and affect a sort of preaching naiveté. This naiveté, being produced dialectically and by no means primarily, threatens to slip into loquacious boredom at any moment. Verbosity is the danger of all Kierkegaard's writings. It is the ver-

bosity of an interminable monologue which, so to speak, does not tolerate any protest and continually repeats itself, without any real articulation. This loquaciousness is intensified in his religious writings to the point of being painful. A Hegelian philosopher deliberately talks circumstantially, imagining himself a Socrates conducting his conversations in the streets of Athens. There is reason to suspect that even the pain and the boredom are planned by the cunning theologian, as Kierkegaard repeatedly styled himself. If the philosophical writings wish to "cheat" the reader into truth, the theological ones, in turn, wish to make it as difficult, as uninteresting, as insipid to him as possible. In one passage of the *Works of Love*, Kierkegaard says that he actually intends to warn us against Christianity. It is one of the basic aims of all his writings to rejuvenate Christianity into what it was supposed to have been during St. Paul's times: a scandal to the Jews and a folly to the Greeks. The scandal is Kierkegaard's Christian paradox. The folly to the Greeks, however, is the laborious simplicity which Kierkegaard stubbornly upholds throughout the religious sermons.

A brief summary of the book on Love is pertinent at this point. Kierkegaard speaks of Christian Love for man, but in pointed contrast to natural love. He defines love as Christian, if it is not "immediate" or "natural," or as Kierkegaard puts it, if one loves each man for God's sake and in a "God-relationship." Kierkegaard never concretely states what this love means. He comments upon it only by means of analogy. Negatively, however, his concept of love is distinct enough. He regards love as a matter of pure inwardness. He starts from the Christian command "Thou shalt love." He interprets this command by emphasizing its abstract generality. Speaking exaggeratedly, in Kierkegaard's doctrine of Love the object of love is, in a way, irrelevant. According to Kierkegaard, the differences between individual men and one's attitude towards men are, in the Christian sense, of no importance whatever. The only element of "this man" which is of interest to the Christian is "the human," as revealed in this person. In love, the other person becomes a mere "stumbling block" to subjective inwardness. This has no object in the proper sense, and the substantial quality of love is "object-less." In Kierkegaard's doctrine the "Christian" content of love, its justification in eternity, is determined only by the subjective qualities of the loving one, such as disinterestedness, unlimited confidence, unobtrusiveness, mercifulness, even if one is helpless oneself, self-denial and fidelity. In Kierkegaard's doctrine of love, the individual is important only with respect to the universal human. But the universal consists in the very fact of individualization. Hence love can

grasp the universal only in love for the individual, but without yielding to the differences between individuals. In other words, the loving one is supposed to love the individual particularities of each man, but regardless of the differences between men. Any "preference" is excluded with a rigor comparable only to the Kantian Ethics of Duty. Love, for Kierkegaard, is Christian only as a "breaking down" of nature. It is, first of all, a breaking down of one's own immediate inclination which is supposed to be replaced by the God-relationship. Hence the Kierkegaardian love applies to the farthest as well as to the nearest. The concept of the neighbor which Kierkegaard makes the measure of love is, in a certain sense, that of the farthest: whomever one happens to meet is contrasted, in the very abstractness of such a possibility, with the "preference" for the friend or for the beloved one. Kierkegaard's love is a breaking down of nature, moreover, as a breaking down of any individual interest of the lover, however sublimated it may be. The idea of happiness is kept aloof from this love as its worst disfigurement. Kierkegaard even speaks of the happiness of eternity in such gloomy tones that it appears to consist of nothing but the giving away of any real claim to happiness. Finally, this doctrine of love is a breaking down of nature by demanding from the simple lover the same characteristics Kierkegaard's doctrine of Faith demands from the summit of consciousness. The *credo quia absurdum* is translated into the *amo quia absurdum*. Thus Kierkegaard admonishes the loving person to maintain faith in a once beloved person, even if this faith has lost any rational justification. He ought to believe in the person in spite of any psychological experience which is taboo, according to Kierkegaard, as being "secular." Here, the transformation of love into mere inwardness is striking. This Christian love cannot be disappointed, because it is practiced for the sake of God's command to Love. The rigorousness of the love advocated by Kierkegaard partially devaluates the beloved person. There is a line of Goethe: *Wenn ich dich liebe, was geht's dich an*—if I love you, what concern is it of yours? Kierkegaard would certainly have rejected this dictum as "aesthetic": one may say that it is the implicit theme of the *Tagebuch des Verführers* (Diary of the Seducer). This "erotic immediacy," however, reproduces itself, as it were, in Kierkegaard's religious doctrine of love. It is of no concern, to the Christian beloved one, whether or not he is loved. He has no power over this love. Incidentally, the reproduction of Kierkegaard's "aesthetic" standpoint in his religious stage, for which this example has been given, recurs throughout his work. It is unnecessary to point out how close this love comes to callousness. Perhaps one may most accurately sum-

marize Kierkegaard's doctrine of love by saying that he demands that love behave towards all men as if they were dead. Indeed, the book culminates in the speech *Wie wir in Liebe Verstorbener gedenken* (How to think with love of those who passed away). There is good reason to regard this speech as one of the most important pieces he ever wrote. I should like to emphasize, even at this point, that the death-like aspect of Kierkegaard's love comprises the best and the worst of his philosophy. The attempt to explain this will be made later.

Theologians will not overlook the close connection of this doctrine of love with the wording of the Gospel and also with certain Christian traditions such as the distinction between Eros and Agape. But nor will they overlook the transformation of these motives, which it is difficult to call anything but demonic. The overstraining of the transcendence of love threatens, at any given moment, to become transformed into the darkest hatred of man. Similarly, the humiliation of the human spirit before God comes close to the naked hybris of the same spirit. By means of its radical inwardness, it is prone to conceive itself as the sole ground of the world. In spite of all the talk of the neighbor, the latter is nothing but the stumbling-block to prove one's own creative omnipotence as one of love. The forces of annihilation are scarcely tamed by this doctrine of love. The relapse into mythology and the lordly demonology of asceticism is enhanced by Kierkegaard's reckless spiritualization of love. He sets out to expel nature with a pitchfork, only to become Nature's prey himself. Let us take Kierkegaard's interpretation of the command "Thou shalt love." In its proper place, this command means the suspension of universal "justice." It "sublates" the concept of moral life as a closed interrelation of guilt and punishment insofar as they are regarded as equivalents which can be exchanged for one another. Christian love takes a stand against the mythological notion of destiny as one of an infinite relationship of guilt. It protests against the justice—an eye for an eye, a tooth for a tooth—in the name of Grace. The Christian "Thou shalt love" puts a stop to the mythical law of atonement. Kierkegaard, too, attacks the principle of "an eye for an eye, a tooth for a tooth." But he hardly ever mentions the idea of grace. He "mythifies" the "Thou shalt love" itself. I have previously stated that it means, in its Christian sense, the barrier against the universal relationship of atonement. Kierkegaard does not understand it as such a barrier. He makes it dialectical in itself. The Hegelian in Kierkegaard dwells on the contradiction of the "Thou shalt" of the command and its content: love cannot be commanded.

This very impossibility becomes to him the core of the command. "Thou shalt love" just because the "Shalt" cannot be applied to love. This is the absurd, the wreckage of the finite by the infinite which Kierkegaard hypostatizes. The command to love is commanded because of its impossibility. This, however, amounts to nothing less than the annihilation of love and the installment of sinister domination. The command to love degenerates into a mythical taboo against preference and natural love. The protest of love against law is dropped. Love itself becomes a matter of mere law, even if it may be cloaked as the law of God. Kierkegaard's super-Christianity tilts over into paganism.

By so doing, Kierkegaard's doctrine of love offers itself to the smuggest sort of criticism. It is one single provocation, folly in reality and scandal. As far as my knowledge of the literature goes, only Christoph Schrempf has dealt with the doctrine of love in detail. As a matter of fact, he honorably stumbles at every stone Kierkegaard throws in his way. He objects to Kierkegaard on the ground that he neglects the preceding internal relationship between two persons, which he regards the necessary condition of love. He further objects in that love cannot be commanded, whereas this very impossibility makes the paradoxical center or perhaps the blind spot in Kierkegaard's doctrine. Opposing Kierkegaard, he defends preference as something beautiful; he attacks the theory of self-denial, maintaining that no lover ever denies himself but just "realizes" himself in love. At this point, I do not wish to judge the truth or falsity of this criticism. The points made by Schrempf are necessary consequences of that demonic "mythification" of Christianity which I have tried to make clear. It is senseless to discuss the theses on the basis of common sense since, according to Kierkegaard, they presuppose the suspension of common sense. But I would go beyond that. In a way, Schrempf's objections are too cursory. Closer examination shows that Kierkegaard's rigorousness which Schrempf naively takes for granted is not quite rigorous. One might almost say: that it is not rigorous enough. Kierkegaard's doctrine of love remains totally abstract. Of course, he repeatedly gives examples such as that of the obedient child. But he always remains on the level of the metaphorical, of illustrations from the treasure of his autobiographical experience, such as the motive of the "poet," or his relation to Regina Olsen. And he never goes into any real, non-symbolical, non-metaphorical case of human love in order to apply his doctrine to it. On the other hand, he always insists on the "practice of real life." His failure to reach this practice by his concepts, and the unyielding abstractness of

his doctrine, are symptoms that it is not quite as substantial as it pretends to be. Hence Schrempf's objections bear so little fruit, and it is therefore important critically to analyze the actual presuppositions of Kierkegaard's doctrine. Then I shall try to show the critical elements of Kierkegaard's rigorousness which goes far beyond the limits of that narrowness which it deliberately exhibits.

The main presupposition is the category of the neighbor and the historical changes it has undergone. Let us discuss this more closely. Kierkegaard asks: who is man's neighbor? He answers, according to his idea of absolute inwardness: "The neighbor, strictly speaking, is the reduplication of one's own ego. It is what philosophers would call 'the otherness,' that is, where the selfish element in one's love for oneself is to be revealed. As far as the abstract idea is concerned, the neighbor must not even be here" (23).[1]) The abstractness of the neighbor, which has been mentioned earlier, is explicitly acknowledged by Kierkegaard. He even makes it a postulate, as an expression of the equality of men in the eyes of God: "The neighbor is everybody . . . He is your neighbor by being your equal before God, but this equality is due unconditionally to every man, and everybody has it unconditionally" (65). Thus the neighbor is reduced to the general principle of the otherness or of the universal human. Therewith, the individual neighbor, despite Kierkegaard's incessant talk of "that particular individual" (hiin Enkelte, dieser Einzelne) definitely assumes the character of contingency. "When you open the door behind which you have prayed to God and walk out, the first man whom you see is the neighbor whom thou shalt love" (56). The particular reality which I encounter in my neighbor is thus rendered totally accidental. This implies one thing from the very beginning: that I must accept the neighbor whom I happened to meet as something *given* which ought not to be questioned: "To love thy neighbor means to be essentially and unconditionally present to each person according to the particular position in time given to him" (90)—given to him externally, independent of oneself. In other words, Kierkegaard's doctrine of the neighbor presupposes a providence or, as Kierkegaard states, a "governance" which regulates human relationships and gives one a certain person and no other as a neighbor. In one passage, he frankly demands that one should "put oneself in the place where one may be used by governance" (91). This necessarily gives rise to the objection of how one can maintain the concept of the practice of real life as a measuring rod

[1]) The references are to the page numbers in Kierkegaard's *Leben und Walten der Liebe*, Jena 1924.

of the love for the neighbor, if one excludes from this practice the specific being of the world? How is practice possible without the acting person's initiative in the very sphere that Kierkegaard takes for granted as a matter of Providence? It is of particular interest to observe how Kierkegaard surreptitiously raises this objection against himself and how he compromises with it. This happens in the discourse on mercifulness. Here he puts the question to himself of how the love to the neighbor is possible, if the loving person is powerless; that is to say, if this love cannot alter reality given by "Providence." The method he makes use of is exceedingly characteristic. For he is struck by the fact that this possibility of powerless love of the neighbor is actually not thought of in the Gospels. Hence he employs a device hardly compatible with his orthodox dogmatism. He modifies, as it were, biblical parables, in order to make them fit present reality. He tells the story of the Samaritan with the alteration that the Samaritan is incapable of saving the unfortunate man. Or he assumes that the sacrifice of the poor widow, which is supposed to be worth more than that of the rich, has been stolen without her being aware of it. Of course he maintains that her behavior is still that of true love. I should like to emphasize the configuration of the motives at hand. Pure inwardness is made the only criterion of action at the very moment at which the world no longer permits an immediate realization of love. Kierkegaard is unaware of the demonic consequence that his insistence on inwardness actually leaves the world to the devil. For what can loving one's neighbor mean, if one can neither help him nor interfere with a setting of the world which makes such help impossible? Kierkegaard's doctrine of impotent mercifulness brings to the fore the deadlock which the concept of the neighbor necessarily meets today. The neighbor no longer exists. In modern society, the relations of men have been "reified" to such an extent that the neighbor cannot behave spontaneously to the neighbor for longer than an instant. Nor does the mere disposition of love suffice to help the neighbor. Nothing is left to "that particular individual" but to cope with the very presuppositions which Kierkegaard excludes from practice as a product of providence. Kierkegaard denies reification. As a matter of fact the whole personalism of his philosophy aims at this denial, for a thing, "an object is always something dangerous, if one has to move forward. An object, being a fixed point in a finite world, is a barrier and break and therewith a dangerous thing for infinity. For love can become an 'object' to itself only by becoming something finite" (190). In other words, it becomes impossible, if, on the basis of the material presuppositions of their relations, men

have become objects, as is the case in our epoch. One could even go further. The form in which the concept of the neighbor is used by Kierkegaard is a reification itself compared with the Gospels. The neighbor of the Gospels implies fishermen and peasants, herdsmen and publicans, people whom one knows and who have their established locus in a life of simple production which can be realized adequately by immediate experience. One cannot imagine the Gospels taking the step from this concrete, unproblematic neighbor to the abstract, universal idea of neighborhood. Kierkegaard has the abstract concept of man of his own period and substitutes it for the Christian neighbor who belongs to a different society. Hence, he deprives both of their sense. The Christian neighbor loses the concreteness which alone made it possible to behave concretely towards him. Modern man is deprived of the last chance of love by moulding love after the pattern of frugal conditions which are not valid any longer. This contradiction is mastered only by Kierkegaard's stubborn maintenance of the "givenness" of social order. The maintenance is socially conformist and ready to lend its arm to oppression and misanthropy. Kierkegaard demands that one should "find the given or chosen object worthy of one's love" (174). Such a demand is not only impossible to fulfill; by its acceptance of the given, it acknowledges the very same reification of man against which Kierkegaard's doctrine of love is directed. It is evident that Kierkegaard here follows the Lutheran doctrine of absolute obedience to the authority of the State. In the face of Kierkegaard's radical theological subjectivism, however, this spiteful orthodoxy leads to absurd inconsistencies and even to insincerity. The presuppositions of this doctrine of the neighbor and, at the same time, of love itself, are untenable.

A doctrine of love which calls itself practical cannot be severed from social insight. Such an insight is denied to Kierkegaard. Instead of any real criticism of inequality in society, he has a fictitious, merely inward doctrine of equality: "Christianity . . . has deeply and eternally impressed the kinship between man and man. Christianity establishes it by teaching that in Christ each particular individual is equally akin to God and stands in the same relation to God. For Christianity teaches each individual without any difference that he is created by God and redeemed by Christ" (74f.). Sometimes Kierkegaard's way of speaking of the equality of men before God assumes the character of involuntary irony: "The times are gone when only the powerful and noble ones were men and the other people slaves and serfs" (79). The irony cannot escape Kierkegaard's attention. He uses it as a medium of his religious paradox. With some haughti-

ness, he says: "Christianity simply does not enter into such things. It applies eternity and is at once at its goal. It leaves all differences in existence, yet teaches eternal equality" (77). The more liberty and equality are interiorized, the more they are denounced in the external world: "Externally everything, so to speak, remains as it was before. The man is to be the wife's lord and she is to be subservient to him. Within the inwardness, however, everything is changed, changed by this little question to the wife, if she consulted her conscience whether she wants this man as her lord . . . What Christ said of this realm, that it is not of this world, applies to everything Christian. Foolish people have tried foolishly, in the name of Christianity, to make it secularly manifest that the wife is empowered with the same rights as the man. Christian religion never demanded or wished anything of that sort. It has done everything for the woman, if she is ready to content herself in a Christian way with the Christian. If she does not want that, the mean external position she might obtain in the world is nothing but a poor substitute for what she loses" (145). Such theorems bring to the fore what was hinted at earlier, namely, that in a certain sense Kierkegaard's religious rigorousness is not seriously meant and that it is better to analyze its presuppositions than sentimentally to criticize it. Kierkegaard raises the objection against himself which is due in a state of universal injustice: "Is it not a fundamental demand that there should be every possible help for the needy and that, if possible, want itself should be abolished?" (335). Kierkegaard dismisses this question all too easily: "Eternity says however: there is only one danger: the danger that mercifulness is not practiced. Even if every want had disappeared, it must not have necessarily disappeared through mercifulness. In such a case, the misery that no mercifulness has been practiced would be a greater misery than any other secular one" (ibd). The following is symptomatic of the flippancy of a rigorousness which is ready to leave everything in its status quo. Kierkegaard is insatiable in condemning the world, worldliness, and its limited worldly aims. He does not hesitate, however, to qualify his own rigorousness as soon as he speaks, as it were, as a social pedagogue. "Indeed, we do not intend to make an adolescent conceited, and to excite him to condemn the world in a quick, busy way" (202). Kierkegaard's ascetic rigorousness is carried through only abstractly. It is soft-pedaled as soon as it could lead to serious conflicts with the "existing" condemned by Kierkegaard in abstracto. At such a moment, wordliness must not be condemned under any circumstances.

Kierkegaard's doctrine of love keeps itself within the existent.

Its content is oppression: the oppression of the drive which is not to be fulfilled and the oppression of the mind which is not allowed to question. Kierkegaard's love is a love that takes away instead of giving. Such he formulates himself: "Then the woman was taken from the man's flank and given to him as company; for love and community first takes something away from man before giving anything" (161). But, at the same time, this oppression of the individual implies a criticism of what could be called, in Hegelian language, bad individuality. The individual, in his self-assertion and isolation, is visualized as something contingent and even as a mere veneer. The thesis underlying the present study, the thesis which I should like to put forward for discussion, may be expressed as follows: Kierkegaard's misanthropy, the paradoxical callousness of his doctrine of love enables him, like few other writers, to perceive decisive character features of the typical individual of modern society. Even if one goes so far as to admit that Kierkegaard's love is actually demonic hatred, one may well imagine certain situations where hatred contains more of love than the latter's immediate manifestations. All Kierkegaard's gloomy motives have good critical sense as soon as they are interpreted in terms of social critique. Many of his positive assertions gain the concrete significance they otherwise lack as soon as one translates them into concepts of a right society.

Before going into further detail, I should like to comment on an objection which might be raised at this point. One might consider that the critical insight for which I give Kierkegaard credit is as abstract from the reality as his doctrine of the neighbor. It is possible, perhaps, to attribute this critical insight to his general idea of worldliness, instead of to a specific coinage of it for the present situation. This however, would oversimplify matters. The abstract generality of his doctrine of the neighbor is not altogether voluntary. It is due to a position of constraint: to the incompatibility of the Christian command to love in its pure form with present society. Kierkegaard's philosophy, however, aims in all its stages—even in the aesthetic one—at the "instant," which is supposed to be the paradoxical unity of the historical and the eternal. It is probably uncertain whether Kierkegaard was ever capable of "filling out" this paradox or whether it merely remained a program. This much, however, is certain: as a critic, he actually grasped the instant, that is to say, his own historical situation. It is highly significant that his polemic chef d'oeuvre bears the title *Der Augenblick* (The Instant). Kierkegaard was Hegelian enough to have a clean-cut idea of history. He is not satisfied by simply contrasting the eternal with an abstract

contemporariness which, at any given moment, is supposedly equally far and near to the eternal. He conceives history to be related to Christianity. His concept of this relation, however, turns the Hegelian idea of the self-realization of the world-spirit upside down. To him the history of Christianity is, roughly speaking, the history of an apostasy from Christianity. He contrasts the conviction of the loss of all human substance to the current conviction of progress, or rather, he conceives progress itself as the history of advancing decay. It is at this point that critics of modern culture such as Karl Kraus followed Kierkegaard most closely. Kierkegaard regards the criticism of progress and civilization: as the criticism of the reification of man. He belongs to the very few thinkers of his epoch (apart from him I know only Edgar Allan Poe and Baudelaire) who were aware of the truly chthonian changes undergone by men, as it were, anthropologically, at the beginning of the modern industrial age: by human behavior and the total setting of human experience. It is this awareness which invests Kierkegaard's critical motives with their genuine earnestness and dignity. His *Works of Love* contains an extraordinary testimony to that awareness. For here Kierkegaard gives an account of a tendency in today's mass society which, during his time, must have been very latent: the substitution of spontaneous thinking by "reflectory" adaptation taking place in connection with modern forms of mass information. Kierkegaard's hatred of the mass, however conservatively it styles itself, contains something of an inkling of the mutilation of men by the very mechanisms of domination which actually change men into a mass. "It is as if the time of thinkers had gone" (377). The following quotation most clearly shows Kierkegaard's realization of the abolition of thinking by information and "conditioned reflexes": "All communication is supposed to assume the comfortable tone of the easy pamphlet or to be supported by falsehood after falsehood. Indeed, it is as if, in the last instance, every communication ought to be manipulated in such a way as to make it possible to promulgate it in an hour's time at a public meeting. Half an hour is spent in noisy expressions of applause and opposition, and during the other half hour one is so dizzy that one is incapable of collecting one's own thoughts" (ibd). Kierkegaard, in speaking of the mass meetings of the 1848 period, seems to have heard those loudspeakers which filled the Berlin Sportspalast one hundred years later.

To return to the social aspect of Kierkegaard's doctrine of love, let me give the following examples. Kierkegaard, to be certain, does not touch on secular injustice and inequality. But the misanthrop

Kierkegaard has a very sharp eye for discovering them—the eye of love, one should say. He suspects, for example, that the doctrine of civic equality has an ideological element. He is familiar with the fact that members of different classes who behave towards each other in the name of Christianity as if they were nothing but men, do so, generally, only in order to maintain the fiction of civic equality and thus better to reserve civic inequality. Kierkegaard is full of mockery for what he calls "welfare"—a mockery which easily can be understood as plainly reactionary. But by denouncing the worldly happiness which is aimed at through welfare as something poor compared with eternity, he does not merely mean a postponement ad Kalendas Graecas. He knows something of the wretchedness of that very happiness welfare provides to men. This becomes particularly evident in a demand that Kierkegaard raises again and again: "In order to get into a relation with the Christian, one must first become sober" (61). Of course, the demand of soberness first takes something away: the happiness gained through drunken ecstasy. But does not this happiness only cheat us of another happiness which is absolutely denied to us in the world as it is? Kierkegaard's demand for sobriety is not that of the Philistine. It attacks the shams of mere individuality, the making absolute of accidental "differences," and all the false happiness connected with them. Behind this sobriety lies the profound knowledge that in the last analysis the differences between men are not decisive. For all the features of individualization and specification owe their very existence to the universal injustice which makes this man thus and not otherwise—whereas he could be different.

The significance of "could be different" is the measure of the "taking away" of Kierkegaard's love. The counter-concept that he contrasts to the worldly which he intends taking away is that of possibility. The possibility, according to Kierkegaard, is to be maintained against mere existence. He means by that the paradox Eternal, the Christian *absurdum*. But it is directed at the same time against the typical character I mentioned previously: the character which is no longer capable of the experience of possibility. The theory of possibility is, first of all, directed against knowledge, particularly against empirical knowledge. This, however, is not to be taken as "anti-intellectual." The knowledge against which Kierkegaard struggles is the knowledge of the man who is positive as regards what has taken place since the beginning of the world and what will take place for all the future. It is the knowledge of mere after-construction, the principle of which excludes anything radically new. This is the point attacked by Kierkegaard's criticism of psychology and,

as one would call it today, of positivism. To him, psychology is distrust of the possibility. He formulates his attitude towards it as follows: "What is the enticing secret of distrust? It is an abuse of knowledge: by a resolute ergo, that one transforms knowledge[1]) into faith. As if this ergo were nothing! As if it ought not to be noticed at all, for everyone has the same knowledge and necessarily draws the same conclusion from it, as if it were eternally certain and settled that preexisting knowledge necessarily determines the act of inference" (234). Against this knowledge there is possibility which he interprets as hope. Hope is, according to Kierkegaard, the "sense for the possibility" (257). "But the hope that remained did so only with the loving one" (276). "The man who knows mankind, who knows its past and future, has a secret affinity to Evil. To believe nothing at all is the very border where the belief in evil begins. For the good is the object of the belief and therefore whoever believes nothing is ready to believe the bad" (241). Kierkegaard goes even beyond that. Fundamentally (and this reveals an Utopian tendency aided even by his conservatism which denies it) he cannot even imagine that one could breathe for one moment without the consciousness of possibility, that is to say, without hope of the transfiguration of the world. "Truly, anyone who does not wish to understand that man's entire life-time is the time of hope, is in despair" (259). The worldliness that Kierkegaard wants to "remove" is actually the stage of despair. Kierkegaard has introduced the concept of the existential seriousness into philosophy. In the name of hope, he becomes the foe of seriousness itself, of the absorption by practical aims which is not suspended by the thought of what is possible. The following passage could very well be used against Kierkegaard's present successors, the German existential philosophers, particularly against Heidegger. Nothing serves to better differentiate between Kierkegaard and his heirs than his turning against "seriousness." "Alas, how often reconciliation has failed, because one handled the matter too seriously and also because one did not learn from God the art (which one must learn from God) of achieving something with deep inner seriousness and yet as easily and playfully as truth permits. Never believe that seriousness is peevishness; never believe that the distorted face which makes you sick is seriousness. No one can know seriousness unless he has learnt from seriousness that one can be too serious" (348f). The seriousness rejected by Kierkegaard is the bourgeois seriousness of business and competition: "They judge that such a man"—that is, one who hopes—"is not serious. Making money, however, is serious. To

[1]) in the sense of past experience, TWA.

make a great deal of money, even through the slave-trade, is serious. To promulgate some truth, if one makes ample money by doing so, (since this and not the truth matters): is serious" (329). Kierkegaard's doctrine of hope protests against the seriousness of a mere reproduction of life which mutilates man. It protests against a world which is determined by barter and gives nothing without an equivalent.

Kierkegaard's view of our love for the dead derives from this protest. I have already mentioned that it is both the worst and the best part of his doctrine of love. Perhaps an explanation can now be attempted. The bad side is obvious: love for the dead is the one which most rigidly excludes the reciprocity of love that necessarily takes the beloved one as living himself. Thus it appears to be the reified and fetish love kat'exochen. But, at the same time, it is love absolutely void of any barter, of any "requital," and, therefore, the only unmutilated love permitted by our society. The paradox that the only true love is love for the dead is the perfect expression of our situation. Let me try to interpret the real experience behind Kierkegaard's theology of love for the dead in the words of a secular philosopher of our own time: "On the death bed, when death is certainty, the rich and the poor are alike in many regards. For with death a man loses his 'relationships': he becomes nothing. The proudest kings of France had to have this experience. The enlightened and humane physician who tries to help the lonely dying man in the hour of his last ordeal, not for the sake of economic or technical interest but out of pity—this physician represents the citizen of a future society. His situation is the present image of a true humanity." What Kierkegaard says of God as the last one who remains with the dying man is in deepest accordance with the "present image" of a true humanity, however little Kierkegaard might have interpreted his idea of the Eternal as such an image.

I should like to conclude with a selection of passages from that sermon *Wie wir in Liebe Verstorbener gedenken* (How to think in love of those who passed away). After the above remarks, they hardly need any interpretation. Kierkegaard calls death the "powerful thinker who does not only think through any sense illusion down to the bottom, but actually thinks to the bottom" (353). This reminds one of that poem of Baudelaire's which invokes Death as *vieux capitaine*. The relation to the dead is characterized as one free of aims: "Truly, if you thoroughly wish to ascertain, how much love is in you or in another person: watch only the behavior to a dead one . . . For the dead man is cunning. He has really drawn himself

totally out of any entanglements. He has not the slightest influence which could aid or hinder his opposite neighbor, the loving one . . . That we think lovingly of those who passed away is a deed of truly unselfish love" (355f). Kierkegaard describes mourning as follows: "We must not disturb the dead by wailing and crying. We must treat a dead person as a sleeper whom we do not dare to awaken, because we hope he will awake voluntarily . . . No, we ought to think of him who passed away, we ought to weep softly but weep for a long, long time" (356). Kierkegaard realizes the enigmatic interweaving of death and childhood: "It is true that he does not cause any troubles, as the child sometimes does. He is not the cause of any sleepless nights, at least not by the troubles he causes. For, oddly enough, the good child causes no sleepless nights; the better the dead man was, however, the more sleepless nights he causes" (358f). To Kierkegaard's contemplation, even death assumes the expression of paradox. The thesis is: Yes, the loving memory must . . . defend itself against reality, lest reality should become too powerful by ever new impressions and blot out the memory. It also has to struggle against time. In brief, it must not allow itself to be induced to forget and must fight for the liberty of maintaining memory in love. . . . Certainly, no one is as helpless as the dead man" (362f). Now the opposite: "For a dead man is very strong though he does not seem so. It is his strength that does not change. And the dead man is very proud. Did you not notice that the proud man tries to show nothing to him whom he holds in most profound contempt; that he does everything to appear absolutely unchanged as if nothing had happened, just in order the more deeply to let down the one held in contempt?" (365). And, finally, the lofty bridge between Kierkegaard's criticism of seriousness and the love for those who have died: "If it would not sound so merry (as it can sound only to him who does not know what seriousness is) I should say one could put this inscription over the door of the cemetery: 'Here no one is urged' or: 'We do not urge anybody.' And yet I shall say so and shall firmly stick to what I have said. For I have thought so much about death that I know well: no one can talk seriously about death who is incapable of utilizing the cunning lying in death, the whole deep-thinking roguishness of death —the roguishness to resurrection. The seriousness of death is not the seriousness of the eternal. To the seriousness of death belongs this particular awakening, this deep-thinking jesting overtone. Of course, apart from the thought of eternity, it is often an empty, often cheeky jest, but in connection with the thought of eternity, it is what it ought to be; and then, indeed, something radically different from that in-

sipid seriousness. The latter is least of all capable of conceiving and maintaining something of the tension and bearing of the thought of death" (361). The hope that Kierkegaard puts against the "seriousness of the eternal" is nothing but the hope of the reality of redemption.

The Relation between Psychology and Sociology in the Work of Wilhelm Dilthey.

By Max Horkheimer.

To embark upon a discussion of Dilthey is at best an audacious undertaking. The subject-matter which interests us in this study is not to be found in any single definitive work. The great biographies of Schleiermacher or of the young Hegel take up specific themes which do not bear upon the problem with which we are here concerned. German philosophers are traditionally blamed for dealing with comprehensive abstract problems which are difficult to understand. Dilthey not only has this fault, but an added one: the decisive parts of his work are incomplete. His writings, in spite of their impressive range, are composed of fragments, drafts and notes, most of which were published posthumously. Personally, I do not consider this lack of system for which Scheler, for instance, reproached him, as something merely negative. The fact that Dilthey never found a final solution for the decisive problems with which he dealt, that, instead, he started over and over again, and that he spurned, through the formulation of a system, to pretend to a clarity which does not exist in these matters, gives to the study of Dilthey, even today, a stimulating character and at the same time a certain diffuse quality.

It is difficult to place Dilthey in any of the branches of the traditional sciences.

He would have rejected the title of "philosopher of history" in any metaphysical sense. He always felt himself to be a disciple of the Enlightenment which identified knowledge with science and opposed it to speculation. Science, according to Dilthey, is based on analysis. The aim of the analysis is "to find the real factors through the dissection of the reality" (V. 174),[1]) and the analytical tools are induction and experiment. Though, like Windelband and Rickert, he stresses the methodological distinction between the natural and the cultural sciences, he takes great care to preserve the cultural sciences from dogmatism. The propositions which theoretical thought arrives at are, according to him, not unconditionally true, but are only hy-

[1]) The roman numerals refer to the volumes and the arabic numerals to the page numbers of Dilthey's *Gesammelte Schriften*, Leipzig and Berlin, 1922/36.

potheses. His problems, however much they derive from the Hegelian sphere of thinking, are in a somewhat anxious way assimilated to the positivist methodology. Ranke's desire to see things as they really have been is supplemented by Dilthey's insistence that mere observation and verification is not sufficient, but that knowledge of "historical-social reality" (I, 95) must be based on the application of all the special theories of man and of science which are at our disposal. It is true that these are only auxiliary theories. The aim is universal history as the culmination of the whole of the cultural sciences (humanities). Dilthey, in spite of all his polemics against Comte, nevertheless patterned this progress from the "simple" to the "more complex" (I, 94) too much after the model of the natural sciences.

Dilthey repeatedly fought against any transcending of experience. For instance, the question whether the aim of the individual lies in himself, whether the value of life is realized in the existence of the individual, or rather in the development of a nation or of mankind in general, is for him a question of mere metaphysics (VII, 284). He shows himself to be a genuine member of Max Weber's generation and, moreover, a follower of the philosophy of recent centuries, by stressing the importance of clearly separating knowledge from purpose, practice from theory, thought from conviction. To be sure, in the last years of his life, under the influence of phenomenology, he seems to have freed himself from this more narrowing than liberating attitude. In his later fragments we find discussions of the objectivity of values. Dilthey did not, however, draw the conclusions which would have brought into clear view his inherent opposition to a science free from value judgments *(wertfreie Wissenschaft)* (VI, 317, VII, 63 sq.).

Dilthey did not want to be a philosopher of history, neither did he want to be a sociologist. The attack on sociology in the "*Einleitung in die Geisteswissenschaften*" (Introduction to the cultural sciences) is perhaps the best known part of his theoretical writing. By sociology, he understands mainly the school of Comte. If the philosophy of history takes upon itself the impossible task of furnishing a unified theory of the whole of historical reality (that is to say a theory derived from a principle rather than from the gathering together of manifold results of scientific analysis), sociology goes even beyond this program in its attempt to use so pompous a theory for the future practical construction of society. Dilthey criticizes Comte and his school especially for their assumption of a universal law of human development, and for the grandiose way in which Comte's sociology would generalize more or less vague analogies between the historical

periods. Dilthey thoroughly detested the practice of "subsuming the method of studying cultural facts under the methods of the natural sciences" (I, 105).

That Dilthey does not discriminate between the philosophy of history and sociology is not quite so arbitrary as it may appear. He rejects in both of them the concept of a unified theory of history. This idea originates in the work of St. Simon. St. Simon discovered in the French Revolution that the forms of government and constitutions may change without any basic change taking place in social life. (Cf. *Oeuvres*, Paris 1865/78, Vol. XIX, pp. 81-83). The laws which regulate political relations are based, according to St. Simon, on the particular form of production and of property. Society is the ever changing relation of men, conditioned by production and property relations. What Dilthey is attacking is the notion that one can relate everything in the history of mankind in such a unity that the whole development in the economic, political, legal, artistic, and religious spheres can be composed into one science. Dilthey attacked the idea that sociology is a unified theory of history, an idea which runs through the nineteenth century ever since St. Simon gave expression to it. He pronounces it metaphysical. A science of the manifold relations and associations of men, like subordination, imitation, division of labor, competition, the perpetuation of social groups, the formation of hierarchies, of parties, and so on (see I, 421), a science of relations which in the historical change of their content and aims remain constant, that is, a formal general sociology, such a science Dilthey recognized. He turns against St. Simon, Hegel and Marx, but not against Simmel.

Society is for Dilthey no inner unity but the sum total of external forms of organization. But this sum total must be deduced from psychic factors. Thus Dilthey thinks of all the conscious and unconscious tendencies of domination and dependence, freedom, compulsion, etc. Society is therefore not to be conceived as an independent entity of its own; it can be understood only by reference to psychic phenomena. Any given society exists only insofar as the various sides of human nature find expression in it. Approaching culture from an exclusively psychological point of view, Dilthey can be called an extreme individualist. "If one could imagine a single individual wandering about the earth, he would develop for himself, in complete isolation, all these functions (philosophy, religion, art) if he lived long enough." The only realities are the individuals who make up society and the integrating forms which they exhibit. The individual and his powers,—that is to say, man—are not to be ex-

plained in terms of society. On the contrary, society is to be explained in terms of man and his eternal gifts. But in every period of history man presents himself in a new aspect, instilling his specific soul into each of the great epochs of humanity.

The reader will have undoubtedly realized by now that, despite the increasing emphasis on his positivistic position, despite his underscoring of facts and his denunciation of metaphysics, Dilthey has at least as much in common with Hegel as with Gibbon or Buckle. One might say that it was his historical task to try to realize, with the tools of the most advanced scientivism and modern positivism, the great tradition of classical German idealism, the idea that psychic structures express themselves in history, that cultures are divided and separated from one another yet possess an inner connection, that history is to be understood (Hegel would have said grasped) and not merely narrated. Dilthey shared Hegel's urge never to remain on the level of the external and superficial. He strove to draw a distinction between appearance and reality, secretly, so to speak, and without being able to reconcile it with his theory of knowledge which was so closely allied with positivism. Dilthey's numerous historical and methodological works constitute an effort to see history in its various provinces as an expression of man's essence. Just as Kant saw the activity of the knowing subject operate with his transcendental factors in the system of mathematical natural sciences, Dilthey sees man presenting himself in actual history, in the manifestations of politics, art, and religion. He aimed at a critique of historical reason. However, it is not when we examine ourselves, it is not by introspection, nor, as Dilthey once said, by brooding, that we arrive at what we are, but by an analysis of historical reality. Dilthey would have us study the social and historical world not for some assigned practical end, nor arbitrarily and without direction, but in order to experience what we ourselves are, in order to know ourselves. It is in this sense that he is the true follower of the idealists.

Let us consider, for a little longer, Dilthey's conception of the difference between natural and cultural sciences. The natural sciences are engaged in a systematic determination and classification of the facts given by sense perception in their space-time relationships. Cultural sciences have to deal with the same objects. Reality is not divided into nature on the one hand, and mind on the other. Cultural sciences have to deal with the same reality under another specific aspect. Certain objects in nature compel us to regard them as the expression of life past or present, and we are able to know their true character from an understanding of what we ourselves are. We

must go back from them to our own life. That does not mean that we can learn nothing new from a knowledge of other beings, for if we could not, mere introspection would enable us to get at ourselves, and the study of history would be unnecessary. The examination of other living beings, of other epochs and cultures, tends to illuminate certain structures and tendencies within ourselves which we should not have been aware of otherwise. An investigation of the historical world reveals structures which are working in us and which we see reflected in objective reality. This most complicated—and, in Dilthey's writings, very highly differentiated—process of an interplay between consideration of the external psychic reality and the experience of our own personal life is the process of "understanding" *(Verstehen)*, by which the cultural sciences are differentiated from the natural sciences.

The understanding does not consider objects according to the relationship between cause and effect (as in the natural sciences), but between external and internal, whole and part. The objects of understanding are grasped only when they are conceived as the expression of human existence and placed in the context of the existence living in and with them. As Dilthey phrases it, the object must be "re-translated" in the life-relationships of the subject; it must be understood as an "objectivization of life" (historical documents, social institutions, works of art, and so forth, are explicable only through such re-translations).

The life relationship in turn can only be experienced *(erlebt)*. It must be immediately present to the subject in its totality. Only then is it possible to comprehend the parts from the whole. That does not mean that this whole is to be arrived at only by mystical intuition. Dilthey insisted that a basic scientific analysis of all individual data and relationships must precede understanding. But this analysis must always have the whole before it, the totality which operates in every individual datum, and it must integrate every individual phenomenon in this whole, for there alone does it have its truth.

The arguments which are immediately raised against Dilthey's notion of the understanding are easy to see. They lie ready to hand. If Dilthey is right, a large part of our knowledge depends upon the inner richness of the individual, who strives for such knowledge. The act of knowing, in Dilthey's own words, comes close to the artistic process. In this case not a few modern methodologists would strike this whole section of knowledge from the realm of science and assign it to poetry, somewhat after the fashion of the logical empiricists. In economics they would like us to limit ourselves to mathematics, in

human psychology to experiments with the tachystoscope or similar apparatus. But if these critics are right, a sphere of decisive experience would thus fall outside the range of scientific activity.

Dilthey's conception of the understanding does not become clear until it is realized that he is dealing with the method of history. It is not so much a matter of how we understand men or animals in their everyday surroundings, but of how we understand history. And history does not speak to us so much through the living being as through the fragments of past cultures, through their philosophy, religion, poetry, and plastic arts. Dilthey's work is concerned primarily with the great philosophical and theological achievements of the Renaissance and Reformation, of classical German idealism, of the poets and musicians of that era. Understanding becomes hermeneutics, the interpretation of historical documents. Schleiermacher, with whom Dilthey was concerned again and again throughout his life and who was in many ways Dilthey's master, was the first to systematize the philosophical and other methods of historical understanding under the heading of hermeneutics. Heidegger then took the problem over from Dilthey. According to Heidegger, a true ontology is nothing but an understanding or interpretation of existence, in a sense, to be sure, which has nothing to do with universal history and which is limited to a monadologically conceived existence.

From what has been mentioned in previous sections, one might be tempted to bring Dilthey much too close to Bergson. Bergson, too, taught that we know ourselves by a proper understanding of reality. The "*durée*," the "*élan vital*," flows in us as in all beings. It is one and the same life which finds expression in all living beings, in nature as a whole. We know the universe when we know ourselves, and vice versa. But whereas Bergson described the omnipresent stream of life in the most general terms—one need only think of his continuity of a qualitative succession, of the presence of the whole in every moment, of the advance of the past into the future, of the creative becoming, and so forth—knowledge of man or of life is for Dilthey the product of a methodical application of all the available sciences to the historically given material. But for Bergson the stream of life is always accessible; it can be revealed in all its fullness at any moment by the act of metaphysical intuition. For Dilthey, on the other hand, the knowledge of historical life is the goal and end of all science. And here he presents his claims on psychology.

Traditional psychology has failed in historical analysis. Studies of human life in its various cultural products lose little if they are not intimately acquainted with the results of traditional psychology. It is, of course, very important to obtain valid insight into those

psychic structures which are to be found wherever psychic life itself exists. But the construction of the soul out of elements of consciousness, as was attempted in the textbooks on experimental psychology of Dilthey's day, cannot contribute to the process of understanding which really matters in the hermeneutics of history. According to Dilthey, psychology attempts "to develop a complete and transparent knowledge of psychic phenomena from a limited number of unequivocally defined elements" (V, 139). Among these elements we must count sensations, reflections, and feelings. Life appears as a mechanical combination of ultimate units. Dilthey calls such psychology explanatory or constructive psychology, the chief representatives being the associationalist psychologists, and Spencer and Taine. He attacks psychology not simply because it makes use of hypotheses but because it begins with them. Hence the cultural sciences which look to psychology for their foundation would depend on something uncertain, namely, on the weak assumption that the psyche is an accumulation of fixed elements held together by a tie of associations. Dilthey wants us to break away from a conception of the psyche which derives from a false analogy with the natural sciences. Psychology as the very basis of the cultural sciences must start from the concreteness of life, as presented to each of us in inner experience. The knowledge of ourselves has as its object not only the stream of perceptions, as psychic reality appeared to Hume or Berkeley, but the structural whole, "*Strukturzusammenhang.*" This is the main concept of Dilthey's psychology and it needs some further consideration. He calls it "the articulated totality of the psychic life." (V, 176). The description and analysis of such a "*Strukturzusammenhang*" insofar as it is typical, that is, insofar as it occurs basically in every human being, was for Dilthey the task of the psychology of the future, of descriptive and analytical psychology *(beschreibende und zergliedernde Psychologie).*

Let us omit the problems arising from the concepts of proper and alien experience, givenness, type, etc., and confine ourselves to a few examples of what is meant by structural totality. In every second of our conscious life, there is not merely one sensation or one desire present, but a psychic whole. For such structural totalities Dilthey offers the example of the contemplation of a beautiful landscape (V, 203/4). As soon as we reflect, we see that not only is the sensation "given" to us, but that its successive aspects are guided by our attention and will. The whole might be permeated by a feeling of happiness or sadness. There is, here, a meaningful interweaving between sense perceptions, attention and feeling. It is a matter of "different aspects" of one and the same act—the contemplation of a

landscape—which interpenetrate. This totality is experienced; it is not theoretically derived or constructed.

Another example is offered by the process of weighing various courses of action until one reaches a practical decision. Here it is a matter of an inner succession of conditions, in which images, feelings, and the will are interconnected. This totality, too, is experienced, not constructed.

Finally, we might cite the unified totality constituted by the perception of a sound, our consciousness of its source, and our communication of that knowledge to the persons with us.

These examples may seem somewhat strange: obscure and commonplace at the same time. It may be thought odd to construct elaborate epistemological makeshifts, striving for a "*Sinnzusammenhang*," while simply discussing a set of experiences whose unity is obvious—for instance the unity of the object in the case of the identical landscape to which all the sense perceptions, acts of attention and will, moods and feelings of the spectator are related as long as he is face to face with this specific object. But it is in analyses of that type, however poor they appear to us today, that Dilthey tried to overcome the sterility of experimental psychology which at his time had usurped the place of philosophy in European academic life. He felt that the interaction between man and nature, his activity, his tenacious effort to conserve and enrich his own life and the life of his fellowmen, as well as his efforts to destroy it (as we see it today), that our entire conscious and unconscious life could not be reduced to the, so to speak, blind, meaningless, qualitatively insufficient elements of traditional psychology.

He failed, however, to see that individual or social life cannot possibly be reconstructed by means of psychology alone, whatever the school of psychology. While criticizing the lag between our concrete knowledge of man and scientific psychology, he persisted in the latter's unfounded belief that valid insight must confine itself to the realm of the immediately given—the "*données immédiates de la conscience*" which also play so vast a role in Bergson's vitalism. His idea of "*Sinnzusammenhang*" is an attempt to determine, with insufficient means, the concrete being of man by a positivistic restriction to the "given," to the "data" of his so-called inner life, whereas this concrete unity can be understood only by transcending those limits and conceiving man as a real element of a real world. Expressing this in broader historical terms, we may say that Dilthey intended to "save" decisive insights of the great German idealism, particularly of Hegel, namely the objective, the so-to-speak worldly character of the human spirit, while abandoning at the same time the

doctrine of the supra-individual, the "absolute" character of that spirit, and replacing it by the empirical, individualistic, even monadological unity of the "sense" within the psyche of man. But the individual can never be built out of the individual himself. Dilthey's failure is the inevitable failure of reconciling the irreconcilable which is so immensely characteristic of all those German thinkers of his period who took philosophy seriously, particularly of Husserl and Lask. Hegel's philosophy of history and Berkeley's principles of human understanding cannot be combined. According to Dilthey, it is not only in human life, but in all life that we find structural totalities *(Strukturzusammenhänge)*, conditions in their differences from one another by the natural and social environment. On closer view it becomes evident that "life" adjusts itself to the environment by means of such totalities. The individual either changes the environment through practical activity, or learns to submit to it. Psychology must not detach itself from the fact that man's soul is determined by its aims, though this "purposeful" *(zweckbestimmt)* character is not "deduced from a concept of purpose outside of ourselves," but that, on the contrary, the conception of a purpose external to us stems from inner experience. (V, 215) "Purposiveness *(Zweckbestimmtheit)* is by no means an objective concept of nature, but denotes merely the structural totality experienced in the drives, the pleasure and pain of an animal or human being." (V, 210). The assumption that life is directed towards the satisfaction of impulses and towards happiness is not, for Dilthey a bare hypothesis. It can be discerned in and described by our inner experience. But it would be hypothetical, according to Dilthey, to interpret these drives in naturalistic terms of the Spencer-Darwin type, such as the law of the self-preservation of the individual and the species. (cf. V, 210).

Let us continue with the description of Dilthey's psychological doctrine. In the process of contending with his environment the individual acquires a rigid form (this, too, Dilthey calls a "structure") that is, relatively stable habits ("habitualities"), moods, values, and so on, which are not always directly given, but nevertheless play a part in every living structural totality (man and animal). On the basis of the interplay between spontaneous and acquired structures, between the character as an entity and the changing experiences, Dilthey attempts to reach a concept of "development" which is no longer restricted to the natural sciences. This concept is the psychological foundation from which Dilthey derives his method of historico-genetic presentation, as evidenced in his writings on Hegel and in his famous studies of German poets, of Lessing, Goethe, Novalis, Hölder-

lin, and Schiller.

On this interplay between man's mechanical and spontaneous psychic structures Dilthey builds his conception of man as an essentially historical being *(Geschichtlichkeit)*, a being whose essence cannot be defined in static terms. This doctrine has since become the principal ontological characteristic in German *Existenz philosophy* (Heidegger and Jaspers). As the individual grows older, the acquired structure (the character or the soul) attains an ever greater prominence over his immediate experiences. "The soul, which has created and objectivized many experiences, prevails over momentary states of mind and this independence from the changes of daily life gives the artistic productions of maturity their specially sublime character, such as Beethoven's Ninth symphony or the final act of Goethe's Faust." (V, 225).

Under the influence of Husserl's phenomenology, Dilthey strove to correct the still more or less naturalistic concept of acquired structure in terms of a more modern point of view. According to Dilthey, the acquired structure was in the last analysis connected with actual life only through the obscure mechanisms of association, reproduction, and such. Consequently, the present experience is not related to the earlier one through a mere external association, but the earlier experience is implied in the present as its "meaning" (Bedeutung or Bedeutsamkeit). The view that life is essentially historical is not made narrower by this changed formulation; it is made more precise. But the task of psychology, as the fundamental discipline of the cultural sciences, is still to derive the specific phenomenon which is the subject matter of each cultural science from the typical psychic structure in which it originates. Now the latter structure can be made visible to us at any time through "reflection" *(Selbstbesinnung)*. To quote Dilthey: "Every analysis of the phenomenon of religion necessarily meets concepts like feeling, will, dependence, liberty, motive-concepts which can be elucidated only within a psychological context. Such an analysis has to deal with structures of the psychic life, since it is in this life that the consciousness of God *(Gottesbewusstsein)* arises and gains power. . . . Similarly, Jurisprudence encounters in concepts like norm, law, responsibility, psychological structures which require a psychological analysis. It cannot possibly present the connections in which law-consciousness *(Rechtsgefühl)* arises or those in which purpose becomes effective in law without clearly understanding the typical structure of every psyche. The political sciences, which deal with the external organization of society, find in every group relation the psychic facts of community, dominance and dependence. . . . History and theory of literature and

art everywhere find themselves referred back to the basic yet compounded aesthetic feelings of the beautiful, sublime, witty or ridiculous. Without proper psychological analysis these words (religion, art, law, etc.) remain obscure and dead notions to the historian. . . . This is so, and no amount of specialization of the fields of knowledge can prevent it. Just as the systems of culture, of economy, law, religion, art and science as well as the external organization of society in the family, community, church, and state, originate from the living structure of the human psyche, so they can be understood only in terms of this structure. They contain structural totalities in themselves, because the psychic life is itself a structural totality. Throughout history the understanding of these internal psychic totalities determines the understanding of those social totalities." (V, 147-8).

The articulation of whole cultures and epochs of human history is also, according to Dilthey, understandable only if we reconstruct the way in which the individual spheres of culture are interconnected in the typical men of every epoch. We have to reconstruct the significance and the weight that religion or law or economy or science possessed for them. It is only on this basis that it is meaningful to speak of different cultures, it is only on this basis that we can establish essential historical periods, and finally sketch something like a history of mankind. The life spirit of an epoch obtains its typical expression in its great personalities, in its poets and philosophers, and for this reason, too, according to Dilthey, biography is "the most essentially philosophical form of history." (V, 225).

In conclusion it is appropriate to raise the question whether the plan of that psychology which Dilthey outlined in his "Ideas" of 1894 has attained fulfilment since that time. Let us pass over Dilthey's critique of traditional psychology which has since made headway. That critique was a general trend of the time. We need only recall Bergson and the *Gestalt* theories. Both agree that psychic life cannot be constructed from elements which are actually obtained as a result of mere abstraction. Let us also pass over the attempt to build a theory of history and society on a psychological foundation, as attempted by Pareto. Like Dilthey, Pareto built for himself a psychology which could help him in his study of society. To be sure, it is markedly different from that of Dilthey, in structure as well as in content. We shall here raise a different question, whether in spite of the opposition between the naturalistic principles of Freud and the historical principles of Dilthey, the theory of psychoanalysis does not meet some of Dilthey's requirements. For Freud, too, history is understandable only through a return to basic psychic tendencies. The same forces which determine the individual, rule the Universe.

History is a struggle between the forces that preserve and those that are hostile to human society, between the libidinous and destructive forces, between Eros and the death impulse. When Dilthey says that "Hunger, love, and war are the most powerful forces in the moral world," that "the most powerful impulses, the hunger drive, sex, and care for the young, operate in these forces" (V, 209), Freud would certainly make but slight corrections. The agreement, however, is rooted even deeper. It lies above all in the conception of a coherent totality of meaning *(Sinnzusammenhang)* in each individual existence, a totality which develops itself in the struggle between the individual being and his environment. Freud explicitly holds the view that each of our experiences has a meaning, a "sense" which derives from its interweaving with the whole structure of our life and can be correctly described only by an analysis of this totality. Freud's socio-historical studies,—for instance Totem and Taboo,—are paragons of the psychological interpretation of history. The character traits, preferences, and values of the individual develop out of the conditions and difficulties of early childhood. We abstain from passing judgment here upon the truth of Freud's various theses, the Oedipus complex, for example. In any case, these theories might be regarded as the fulfilment of Dilthey's demand that the individual life, in its typical structures, be presented as a coherent totality of meaning. The single phases of the development of impulses, namely, the oral, anal, and genital, as described in the "Three Essays on Sexual Theory" (V, 7 ff.) represent, in Freud's view, typical structures which can be found in every normal psychic life. It is not accidental that the acquired structure *(erworbener Zusammenhang)* which was established on the basis of earlier experience is, in Dilthey's view also, largely unconscious, and must be revealed only through "analysis." We do not know if Freud and Dilthey would explain the unconscious in quite different ways, but an example can be given to show that the agreement between them is not superficial. In his speech on "Poetical Fantasy and Madness," Dilthey has shown that in metaphysics, poetry and myth the same images always recur in the history of mankind. "In dream and madness, we find, with striking regularity, specific images which are always bound to sensations and internal states, pictures which interpret, explain and represent these states. They are a kind of poor, shrunken symbol, and the realm of these symbols can be scrutinized." (VI, 101). The symbols are "poor" in dream and madness, but they recur, richer and with more varied differentiations, in the great cultural achievements of mankind which are permeated by them. Dilthey's concept of the type appears here in connection with the doctrine of symbols which Freud de-

veloped in his theory of dreams and in his studies of cultural history. We note in passing that the most valuable side of Freud's theory stands in utter contradiction to his empiricist and naturalistic theory of knowledge, and, similarly, that Dilthey's doctrines contradict his positivistic opinions on the logic of science.

We should not exaggerate, however, the measure of agreement between them. At present this agreement is the more obvious because Dilthey's historic achievements, like those of his disciples and above all the biographical ones, are characterized by a tendency to a strongly individualistic psychology, a tendency which has been transformed into a caricature through the present fashion of popular biographies of great men. There is, however, another side to Dilthey's theory which recalls the Hegelian dialectic much more than it does psychoanalysis. That is his flair for what Hegel called the objective spirit *(objectiver Geist)*. There is no doubt that the categories of individual psychology are valuable for elucidating the works of the founders of religion, the achievements of statesmen, philosophers, and poets. But on the other hand it is true that an understanding of the problems of the inner laws of the cultural spheres, etc., with which they deal, will help, in no lesser degree, to clarify the psychology of these world-famous men. Without an exact knowledge of the political and religious situation of the fifteenth and sixteenth centuries, the characters of Luther and Calvin cannot be explained. The same holds good for the aesthetic problems. No one who has not reached the point where he can cope with most subtle technical details can say anything about Greco and Tintoretto even if he has a profound knowledge of neurotic symptoms visible in their work. For this reason Freud's essays—and still more those of his followers—on artists and politicians sometimes show a rather pedantic touch. Paradoxically enough, on the opposite side, the vagueness of Dilthey's psychological categories often leads to the same result. Freud's writings about art often sound like a doctor's, Dilthey's like a German high school teacher's. The difference between Freud and Dilthey may perhaps be summed up in the following way. If we compare an article by Dilthey on a poet or a musician with a study, let us say, of Freud on Leonardo da Vinci, Dilthey's psychological observations appear to us rather abstract and narrow. They appear, so to speak, more traditional than Freud's insights, which are saturated with a wider psychological experience. In Freud's analysis the connections between the work of an artist and his experiences in the decisive periods of his development are definitely established. He deals with very specific events, sexual experiences, threats and anxieties. Dilthey refers too often to abstract conceptions like expression, imagination,

impulse, will, and so forth, which he holds in common with the traditional psychology rejected by him. But Dilthey nevertheless has an inkling of what art or poetry or philosophy really is. He sees the artist in relation to the specific cultural tendencies of his time and of world history. If he speaks of a Roman he draws in Roman law and Roman imperialism as real forces in the soul of the Roman citizen. He does not speak only of his inner experience in the abstract sense of individual instincts, etc. If he discusses the old German Mythology he speaks of the life in wood and fields through thousands of years, of the lack of cities, the dependence on the seasons, etc.

If the two tendencies in his historical writing had penetrated each other as he postulated in his theory of interaction in the process of understanding, each of his studies would indeed be a section of concrete theory of history. Unfortunately, the reader of his methodological writings, (some of which we have discussed here), will be disappointed if he turns to the historical essays. We find that the historical writings largely present the history of the psychological development of a person in a manner not markedly distinguished from the biographies customary at the time. Dilthey's own postulate was that each particular investigation of a cultural subject must examine the phenomenon from three points of view which in turn are finally interdependent. First, in the "knowledge of the whole of the historical and social reality," second, in the typical structure of intellectual activity as such, and third, in the specific problematics of the respective cultural fields, whether poetry, art, or philosophy, which have their own laws of meaning *(Sinngesetze)*. (I, 88-89) This postulate, that the subjective mind can be rightly understood only in connection with the objective mind (using the Hegelian terminology), has not been fully worked out in his historical writings. In his study on Schiller, we find for instance that such problematical psychological concepts as natural gifts, will to greatness, inner purification, incessant striving, etc., play the main part. This inconsistency between tool and achievement need not, however, necessarily diminish the ingenuity of some of Dilthey's methodological investigations.

Criminal Law in National-Socialist Germany.

By Otto Kirchheimer.

The first period after the downfall of the Weimar Republic was marked by the rise of authoritarian ideology. An authoritarian criminal theory, mingled with elements of the old classical school, dominated the academic field. In the criminal courts the transition was immediately reflected by the imposition of harsher punishments and by a weakening of the status of the defendant.

In this early period, the genuine National Socialist contribution is to be found in the theory of the volitional character of penal law *(Willensstrafrecht)*. This theory, the ideological offspring of Dr. Freisler, Undersecretary of Justice, completely shifted the emphasis from the objective characteristics of the criminal act to its subjective elements. It asserted that the state is justified in demanding greater self-control from the individual and also in considering criminal intent as the main object of the offensive action of the authorities. The content and even the style of these ideas were copied from Nietzsche, who characterized penal law as war measures used to rid oneself of the enemy.[1])

The most important practical consequence of this more or less deliberately vague theory was a disappearance of the distinctions usually separating criminal attempt and the consummated criminal act.[2]) Neither doctrine, however, made much headway. When German theorists discovered that Germany is not an authoritarian state but a racial community, authoritarian criminal theory lost its theoretical foundation.[3]) The doctrine of the volitional character of the

[1]) Heinze, *Verbrechen und Strafe bei Friedrich Nietzsche*, Berlin, 1939.

[2]) cf. Freisler, in: *Grundzüge eines Allgemeinen Deutschen Strafrechts, Denkschrift des Zentralausschusses der Strafrechtsabteilung der Akademie für deutsches Recht*, Berlin, 1934, p. 13-14, and the same author in: *"Das kommende deutsche Strafrecht"* Allgemeiner Teil, 2nd edition, Berlin, 1935, p. 26. The National Socialist ideology of penal law and the proposed changes in the penal code, as well as the changes already introduced, are dealt with in more detail though without much regard for the actual administration of criminal justice by Donnedieu de Vabres, in: *La Crise Moderne Du Droit Pénal, La Politique des Etats Autoritaires*, Paris, 1938.

[3]) cf., for instance, Dahm, *Nationalsozialistisches und Faschistisches Strafrecht*, Berlin, 1935, p. 6 et seq. which speaks of the gulf separating the German people's community from the Italian ideology of State and Nation. This is especially interesting because of the fact that the same author was one of the initiators of the authoritarian school two years before in Dahm and Schaffstein: *Liberales oder Autoritäres Strafrecht*, Hamburg, 1933.

penal law, although never officially discarded and still considered as a clue to National-Socialist law,[1]) ran into a maze of contradictions and theoretical difficulties. At first it seemed to foreshadow the conversion of punishment of consummated acts into prohibitions against the commission of acts which would merely endanger the community. In effect, the new legislation of 1933, relating primarily to treason and the protection of the People and the Government, has made punishable a large number of mere preparatory acts which, although not having done any actual damage, might, had they been consummated, have endangered the community.[2]) The theory, although justifying the punishment of such preparatory undertakings in the case of high treason and related subjects, nevertheless fought with all available arguments against the unlimited extension of the penal sanctions.[3]) The measures of security—one of the corner stones of the National-Socialist penal legislation—introduced in 1933 are intended to protect society from future misdeeds and therefore aim also at wholly or partially irresponsible persons.[4]) These measures, too, defy classification under a system of volitional penal law. Moreover, the doctrine would not apply to the whole field of negligence.

The so-called *Kieler Schule* (Phenomenological School) gained some theoretical following and its doctrine superseded, at least to a limited extent, the volitional penal law doctrine. With the beginning of the present war its influence could even be noticed in the formulation of governmental decrees and court decisions, which were seeking a concept to minimize the legal requirements for punishableness. In its theoretical foundation, this doctrine shares Carl Schmitt's attack on general conceptions, on normativism and positivism, and stresses, instead, the concrete order of life. Intuition and essence are introduced as the true method of discovering the criminal agent. His innate character can never be educed by mere logical deduction from the statutory requisites. "A person who takes away a movable object not belonging to him does not necessarily classify himself as a burglar. Only the very nature of his personality can make him such."[5]) Vehement controversies rose around this doctrine. Its chief adversaries tried to prove that a penal code retaining ra-

[1]) cf. Graf Gleispach, "Willensstrafrecht" in *Handwörterbuch der Kriminologie*, volume 2, Berlin, 1936, pp. 1967-1979.

[2]) cf. the decree of February 28, 1933, *Reichsgesetzblatt (R.G.Bl.)* 1933, I, 83 §90 a-d and §92 a-f of the Penal Code.

[3]) Oetker, *Grundzüge* p. 48 among others, used the argument that such a policy would tend to weaken the reliance of the members of the community on their own ability to avert possible dangers.

[4]) *Strafgesetzbuch*, §43 a-n.

[5]) Dahm, *Verbrechen und Tatbestand*, 1936, p. 46.

tional and teleological elements was more in line with the aspirations and needs of National Socialism than was the *Kieler Schule.*[1])

For practical purposes it was sufficient to abandon the *nulla poena sine lege* rule and to substitute the postulate of material justice (legitimacy) for mere formal deduction from the law (legality). These devices and, more effectively, the constant stream of new and sometimes retroactive statutes and decrees, coupled with the increasing subordination of the judiciary to the orders of the central authorities, worked to fashion the new fabric of National-Socialist penal law. The postulate, always recurrent in the National-Socialist literature of penal law, that mere formal wrong-doing must be superseded by the motive of material justice, leads to the demand that the eternal tension between morality and law, dominant in the liberal philosophy of law, must disappear.[2]) The social order of the racial community postulates the identity of law and morality. With this identification the given order is theoretically accepted as unquestionable and just. On the practical side, however, German literature no longer holds that acts formally forbidden by statute but performed in the higher interest of the country are not punishable *per se.* As in any other established order, there is still the contradiction between legal and legitimate. If there is an urgent need to suspend the validity of criminal sanctions—and many such cases are found in the Germany of today—the reference to a legitimacy beyond the law does not seem to be sufficient. In 1934, in the case of Roehm and his followers, a special law was promulgated, retroactively covering murder in these cases with a cloak of legality.[3]) With regard to the recurrent criminal acts of overzealous Party followers, amnesty laws with *nolle prosequi* clauses intervene, thus maintaining the fiction of a coherent legal order. The main importance of the attempted unification of the moral and legal order lies, therefore, in the symptomatic desire to broaden the scope of the penal law, and to extend its activities to new fields. We abstain from remarking on mere changes of phraseology which, in order to justify more severe punishment, try to find a foundation for secondary social rules in the new mores of the country. Under the pre-Hitler penal code, a person who abused a position of special trust was punished for breach of trust; the new prescription retained the old definition but added to its scope the violation of the

[1]) The whole controversy is surveyed by E. Wolf, "Der Methodenstreit in der Strafrechtswissenschaft und seine Überwindung," in *Deutsche Rechtwissenschaft* IV, 1939, p. 168 seq.

[2]) see *National-Sozialistische Leitsätze für das deutsche Strafrecht,* edited by Frank, second edition, 1935, and *Das kommende deutsche Strafrecht,* Allgemeiner Teil, second edition, 1935, p. 17 and p. 45.

[3]) cf. Reichsgesetz über Massnahmen der Staatsnotwehr of July 3, 1934, *R.G.Bl.,* 1934, I, p. 529.

duty to take care of other people's financial interests. Corruption was to be attacked through this comprehensive definition.[1]) The mass of published decisions contains no hint of an intensified drive against corruption, but what quite naturally happened was that heavy pressure was brought to bear upon contract partners by initiating criminal prosecutions. The *Reichsgericht* was compelled to side against such attempts at enlarging the content of the penal law by explaining that mere violation of contractual relationships does not come under the modified prescription, and that the duty to protect other people's financial interests must be the essential content and not a circumstantial element of the contract in order to enjoy the protection of the modified §266.[2])

More far-reaching than this attempt to raise the standard of business ethics, was the extension of the category of crimes committed by omission. This extension was carried through by new legal rules as well as by judicial interpretation. §330 c of the Penal Code makes it a legal duty for all people to render assistance in cases of accident or common danger, and the neglect to do so may be punished by imprisonment for two years. But still more important is the way in which judicial interpretation has extended the legal necessity of action. Every conceivable statute, whether in the realm of civil or of criminal law, may create such duties. An attorney who does not prevent his client from lying to the court when under oath, may be punished for participation in perjury, as §138 of the modified Code of Civil Procedure requires the parties to give complete and true accounts.[3]) The wife of an hereditary farmer has the duty of extinguishing fires on the property because the hereditary farm law and the legislation in the field of agricultural production aim at raising production[4]) The *Reichsgericht's* interpretation creates special duties for people living in a family or in a domestic community. Here the *Reichsgericht* decides that the moral duty of Christian charity becomes a legal duty, the neglect of which results in punishment.[5]) There have been many objections to this method of converting moral into legal duties whenever the court likes to inflict punishment.[6]) The previously mentioned Kieler school has therefore tried to replace the moral-legal duty argument by increased emphasis on

[1]) Dahm in *Das kommende deutsche Strafrecht*, special section 1935, p. 339; Kohlrausch, *Strafgesetzbuch* 34th edition, 1938, §266, note 1.

[2]) Compare the *Reichsgericht* decisions in criminal cases (*RG.S.* vol. 71, p. 90), and the decision of the same court quoted in the Journal of the Academy of German Law (*Z.A.* 1940, 15) with commentary by Nagler.

[3]) *RG.S.* 70, 82.

[4]) *RG.S.* 71, 193.

[5]) *RG.S.* 69,321 and 72,373.

[6]) Helmuth Mayer, *Das Strafrecht des deutschen Volkes*, 1936, p. 178.

the nature of the criminal. Motives, general disposition, criminal antecedents and personal character here largely replace objective characteristics, making the uncertain boundaries between legal and illegal still more indeterminate.[1])

The "sound feelings of the people" occupy a special position among the attempts to enlarge the scope of criminal law. In some instances—as in the previously mentioned §330 c, and in the analogy prescription §2—they were explicitly inserted in the statutes. But in addition to that, they play an important part in the general reasoning of the courts. It may be doubtful, though, in particular instances, what the "sound feelings" of the people amount to. It is interesting to know that in such cases the individual judge is not supposed to act as an independent source of the "people's feelings." He is directed to find the authoritative expression of the "people's feelings" in two sources: first, in the pronouncements of the nation's leaders and secondly, in the homogeneity of conceptions developed by the similarity of educational and professional standards among members of the judiciary. That is to say, the people's feelings are crystallized by the authentic interpretation first, of the executive and secondly, of the judicial bureaucracy.[2]) Most important of all, because of its wide field of application, is the mention of the "people's sound feelings" in the analogy prescription. The application of §2 is allowed only when two conditions coincide: first, that the fundamental idea underlying the statute can be applied to the case in question and secondly, that "the people's sound feelings" require such application. If the fundamental idea of a statute is conceived as something fixed once and for all at the time of the statute's perfection, §2 serves only as a permissive clause for closing gaps unintentionally left open by the legislator. But it would not be permissible to extend this application to new facts which the legislator could not foresee.[3]) In Germany, criminal law theory embraces all shades of opinion. Representatives of a very conservative application[4]) are found side by side with advocates of an opinion which al-

[1]) On the whole problem there is an abundant though partially confused literature. Cf. Drost, "Der Aufbau der Unterlassungsdelikte" in *Gerichtssaal* vol. 109, 1937, p. 1-63; Dahm, "Bemerkungen zun Unterlassungsproblem" in *Z.f.d.ges.Strafrechtswiss.* vol. 59, 1939, pp. 133-183.

[2]) Peters, Das gesunde Volksempfinden in *Deutsches Strafrecht* vol. 3, 1937, pp. 337-350.

[3]) The view that the underlying idea of the statute could itself undergo changes was warmly recommended to the 1937 Congress of the International Association of Penal Law in Paris by Professor Donnedieu de Vabres, although he would never have admitted that this extensive interpretation contemplated the abandonment of the *nulla poena sine lege* rule. Cf. the report of Pierre Bouzat in *Revue Internationale de Droit Pénal*, 1937, p. 33 et seq.

[4]) Kohlrausch, op. cit., commentary to §2.

lows for changes in the fundamental idea[1]) and both are outdone by a number of extremists who start by emphasizing the "people's sound feelings." Of course, in the phraseology of the statutes, "sound popular feeling" only takes second place after the mention of the fundamental idea of the statute. But for these extremists the analogy has little meaning as they acknowledge the legal prescriptions only as signposts for the judge, to guide him in his creative endeavor to form the conception of material wrong doing.[2]) The numerous opinions delivered by the *Reichsgericht* on this question show a remarkable restraint in the use of §2 in contrast to the practice of the lower courts.[3]) It would be futile to pin down the *Reichsgericht* to a well defined doctrine, but it constantly refused to lend support to the more extremist views, and even recently it declared that no dispensation of the judge from obeying the statute follows from §2.[4]) The following are among the most important decisions: The application of §2 in order to punish false accusations of unknown persons is denied, since the legislator intentionally refrains from punishing such accusations.[5]) Merely immoral acts cannot be punished as incest because the legislator has deliberately demarcated the realm of punishable acts.[6]) The cases in which the abuse of the dependency-relationship is punishable are also explicitly limited and no extension into new fields may take place.[7]) Neither did the interesting attempt to extend rape into the field of matrimonial relations find favor.[8]) Manslaughter cannot be interpreted as murder simply because the accessory circumstances were especially atrocious.[9]) A wide domain was more or less completely closed to the application of §2 when the *Reichsgericht* argued that the analogous application of prescriptions given by the National Socialist legislator must be examined with the utmost care in order to make sure that the lawmaking authorities did not intend to erect a barrier against extension by analogy.[10]) Of the less frequent cases where the *Reichsgericht* approved of the application of §2, we mention only two significant ones. The first case is concerned with the receiving of stolen goods.

[1]) Mezger, "Der Grundgedanke des Strafgesetzes," *Deutsche Rechtwissenschaft* IV, 1939, pp. 259-266.
[2]) Boldt, "Bericht über Stand und Aufgaben des Strafrechts," *Deutsche Rechtswissenschaft* II, 1937 p. 47 et seq., who, however, is not very consistent; cf. his later much more moderate programmatic formulation of principles in *Gerichtssaal*, vol. 112, 1938, p. 93 et seq.
[3]) Cf. J. Hall, "Nulla poena sine lege," *Yale Law Journal* 40, 1937, p. 175.
[4]) *RG.S.* 72, 93 and RG in *Z.A.* 1940, p. 67.
[5]) *RG.S.* 70, 367.
[6]) *RG.S.* 71, 196; 71, 306 and RG in *ZA.* 1940, p. 180.
[7]) *RG.S.* 71, 94.
[8]) *RG.S.* 71, 109.
[9]) RG in *Juristische Wochenschrift (J. W.)*, 1937, p. 1328.
[10]) *RG.S.* 70, 218.

If a person, instead of receiving stolen goods, did receive the gains obtained by selling or exchanging them, he will nevertheless be punished. In this case, of course, the *Reichsgericht* admitted a change of the fundamental idea on which this prescription rests. The original prescription was directed against the hiding of stolen property, whereas in the new interpretation the idea of attacking participation in, and profiting through, crime prevails.[1]) Embezzlement by employees of the Party and related organizations is dealt with as embezzlement by public officials.[2]) But it is interesting to know that so far the *Reichsgericht* utilises only old tactics from the post-war revolutionary period (1918/19) when it convicted revolutionary organs of "malfeasance in office," as if they were public officials. Throughout the decisions of the *Reichsgericht* there is an evident tendency to maintain rationality in the realm of criminal law. This rationality requires that the statute is preserved as a main focus for the decisions of the individual cases. On the other hand it pays for its attempt to maintain a certain coherence in the legal system by complete submission when cherished ideas of the new régime are at stake. Thus, for instance, its decisions regarding race defilement fall in line with the interpretations of the most ardent adherents of the official dogma, and try to extend the range of this legislation as far as possible.[3])

It is especially interesting to note the willingness of the *Reichsgericht* to extend legislation on race defilement to include foreigners who have contravened this German legislation on foreign soil.[4]) It is just a preliminary stage of the realization of the ambitious plan to extend the limits of criminal jurisdiction over foreigners in foreign countries. This plan aims at extending the jurisdiction beyond the traditional limits of high treason, felony, etc. to embrace the punishment of all violations of German interests.[5]) This principle remained a mere postulate, without much actual importance, as long as Germany's rule was restricted to her own territory. But at the point at which she began successfully to invade other countries the retroactive extension of part of the German criminal legislation, as done by decree of May 20, 1940, to foreigners acting in foreign countries,

[1]) *RG.S.* 72, 146.

[2]) *RG.S.* 71, 390. The decisions on §2 are collected and systematized by Hans Bepler in *J.W.*, 1938, pp. 1553-1570 and 1939 pp. 257-266.

[3]) *RG.S.* 72, 91; 72, 149; 72, 245.

[4]) R.G. in *J.W.* 1940 p. 790. In this case one of the parties was a "non-Aryan" Czech, and the other was an "Aryan" German girl. The "crime" was committed in the sovereign Republic of Czecho-Slovakia, before Munich, and the act was not punishable under Czech law.

[5]) Reimer in *Das kommende deutsche Strafrecht*, pp. 223-24; Maurach: "Treupflicht- und Schutzgedanke," *Deutsches Strafrecht*, vol. 5, 1938, pp. 1-15.

served the double purpose of giving a cloak of legality to persecutions of foreign political enemies who fell in German hands, and then to frighten into submission the population of still unconquered territory by indicating the legal consequences involved in any move against Germany—a kind of legal counterpart to the *Blitzkrieg* movies shown to the upper classes in the countries about to be invaded.[1])

But it is questionable how far the influence of the *Reichsgericht* extends. The changes in appeal practice, no longer allowing many cases to come up to the *Reichsgericht* for review, limit the sphere of influence of the highest court. Where the influence of the *Reichsgericht* has diminished, the administration has stepped in with its much more effective weapons for coercing judges to fulfill its wishes not only as regards the general ideas but also as regards decisions in concrete cases. Whenever the government so desires, it can compel the judiciary to mete out sentences according to its wishes by means of retroactive statutes. This method was used in two types of cases. First, in the "cause celèbre" of van der Lubbe (*Reichstags* fire) the retroactivity served to obtain a desired sentence in an individual case. Secondly, retroactive statutes were later issued as, for instance, the statute against kidnapping and the statute against car-holdups with the help of traps, as well as in the more recent war legislation. Here the retroactive death penalty was introduced in order to achieve an immediate deterrent effect. The executive influence on the administration of criminal justice has been further increased by the gradual abandonment, since 1937, of judicial selfgovernment. The assignment of tasks within the court is no longer carried out by the president of the court in connection with the presidents of the various sections and the highest ranking associate judge, as independent organs of the court, but by the president of the court alone as representative of, and on orders from, the ministry of justice. The assignment may be changed during the year not only for specific reasons, e.g. illness, but also in the interests of the administration of justice.[2]) This development, which tends to lower the judiciary to the status of a mere administrative agency, finds its logical conclusion in new regulations issued at the beginning of the war. These regulations grant the ministry of justice the right to change and unify jurisdictions and to abolish the immovability of judges, by ordering them to accept all

[1]) Incidentally, the retroactivity here, as in the Roehm case, also serves the German yearning for legal correctness. This longing for a wholly worthless legality is a strange sign in a legal order which, officially at least, rests on "material justice."

[2]) *R.G. Bl.* 1937. I 1286. cf. E. Kern. "Die Selbstverwaltung der Gerichte", in *Z.A.*, 1939, pp. 47-50.

assignments within the jurisdiction of the ministry of justice.[1]) The dismissal and the compulsory retirement of judges, at first only planned as a transitional measure for the stabilisation of the regime, have become a permanent device. The judges are subjected to §71 of the civil service statute, which provides for the compulsory retirement or dismissal of officials if they do not give sufficient guarantees of adherence to the N.S. regime. The removal may, however, not be ordered by reason of the material contents of a judicial decision. But the boundaries are difficult to draw and a decision not punishable in itself may nevertheless reveal just that personal unreliability on which the removal may be based.[2]) The changed status of the judge is quite naturally reflected in the official ideology which, instead of formal independence, emphasizes the judge's incorporation in the racial community.[3]) The central administration also increasingly influences the decision of individual cases through the medium of the public prosecutor's office. Legally speaking the courts are at liberty to deviate from the punishment asked for by the public prosecutor, but in practice they are strongly discouraged from doing so.[4]) The effect is evident. The rate of acquittals fell from 15.06% in 1932 to 10% in 1938. Duration and severity of sentences have increased[5]), even if the share of fines in all punishments has not varied very much. From 56.6% in 1932 it went down slightly to 54.5 in 1938, an interesting sign that even the penal law of the racial community cannot dispense with such capitalist institutions as fines. There is also, so to speak, a certain type of public opinion which exerts heavy pressure on the courts from below. This public pressure is allowed to express itself in the more extremist organs of the National Socialist Party, which sometimes disagree violently with the judiciary, and publicly express their opinion in their newspapers.[6])

But there is another feature to which little attention has been paid and which seems, however, very seriously to have influenced the administration of criminal justice in Germany: that is the disappearance of a unified system of criminal law behind innumerable

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[1]) *R.G. Bl.* 1939. I. p. 1658.

[2]) Cf. Brandt: *Das deutsche Beamtengesetz*, 1937. Note 2 to §71.

[3]) Jaeger, *Der Richter*. 1939, p. 69.

[4]) In a recent address given by Undersecretary of Justice Freisler before the presidents of the special courts, he draws their attention to the fact that the public does not understand unimportant differences between the punishment asked for by the public prosecutor and the sentence given by the court. Freisler: "Die Arbeit der Sondergerichte in der Kriegszeit." In: *Deutsche Justiz*, 1939. p. 1753.

[5]) cf. Rusche & Kirchheimer: *Punishment and Social Structure*, New York 1939, p. 186 table 23.

[6]) see e.g. the discussion between the *Schwarze Korps* and the ministry of justice, parts of which are reprinted, especially the arguments of the judicial bureaucracy, in: *Deutsche Justiz* 1939, pp. 58-59, and pp. 175-178.

special competences (departmentalisation). The ever increasing number of administrative agencies with independent penal power of their own has enormously diminished the scope of action of the regular criminal courts.[1]) This curtailment of the judiciary's activity is a phenomenon of deep social significance. Special administrative units like the S.S., the National-Socialist Party, the Labor Service and the Army have their members partially or totally exempted from the competence of the ordinary criminal courts. Under the special disciplinary rules of such organizations, the legal demarcation between permissible and illicit behavior may be fundamentally the same as in the ordinary law courts. But the primary object of such organizations is the unconditional maintenance of a strictly hierarchic order, and this colors and varies the application of the penal law. The reestablishment of special military courts, abolished under the Weimar Constitution, was one of the first fruits which Hitler's victory brought to the Army. Since then, the organization of the military courts has been carried out with great thoroughness. From a purely legal point of view the compulsory Labor Service has only a rather restricted disciplinary power over its members.[2]) But in practice two-thirds of all punishable acts committed by members of this service are handled by the Labor Service organs themselves.[3]) The same applies to more exclusive organizations like the S.S. The exercise of this disciplinary power makes it impossible for rival bureaucracies like the judiciary, and, to a certain extent, the public, to get too many glimpses of the conditions prevailing in such services, which are thus more or less hermetically sealed against outside influences. But at the same time the peculiar mixture of special disciplinary and regular penal power which prevails even if nominally special penal courts are set up in the particular administrative branch, appreciably increases the administrative pressure on the members of the service.

The facts that the demarcation lines between special disciplinary and general penal power[4]) are insignificant and that both these powers are combined in one bureaucracy, result in a guarantee of the complete subservience of the individual, and is of an immense advantage for the service. The separation of functions between the entrepreneur and the coercive machinery of the state is one of the main guarantees of liberty in a state of affairs where few people control their own

[1]) Dahm: "Wissenschaft und Praxis" in *J.W.* 1939, p. 829.
[2]) *Dienststrafordnung* of January 8, 1935, *R.G.Bl.* 1935. I, 5.
[3]) Brausse: "Zur Frage einer Strafgerichtsbarkeit für den Reichsarbeitsdienst," in *Z.A.* 1938, p. 228.
[4]) see for example: Hoder: "Erweiterte Disziplinarstrafgewalt im Krieg," in *Zeitschrift für Wehrrecht*, vol. 4, 1940. pp. 433-43.

means of production. This separation has often been threatened and rarely completely achieved. Now, however, it is completely eliminated under this combination of disciplinary and penal power in the same administrative service.

Whereas the exemption of the members of the Labor Service or of soldiers are personal and more or less complete exemptions, German practice also knows a considerable number of exemptions which are only attached to specific functions, while in other respects the competence of the ordinary criminal courts is upheld. We do not need to go into the treatment of political offenders by the *Volksgerichtshof*, which is one of these special agencies for a selected category of criminal cases. The importance of this agency, by the way, is diminished by the very fact that the *Gestapo* (Political Secret Police) are not obliged to abide by its decisions, but may keep in custody people acquitted by this court. The commercial part of the administrative penal law is only concerned with the professional activities of merchants, factory owners, their deputies and the affairs of taxpayers in general. The term "exemption" is, strictly speaking, incorrect, as the German legal system provides for a dualist procedure. The administration is at liberty to carry the case to the courts or to impose fines of varying amounts on its own authority. The German theorists try hard to find a demarcation line between ordinary criminal law and commercial-administrative criminal law. They refer to the degree of immorality involved or call upon the difference between proven and presumed culpability for the different procedures.[1]) In reality the completely discretionary power of the administrative agency as to whether it decides to initiate a criminal prosecution or prefers to deal with the offender by administrative methods, defies theoretical classification. Criminal prosecution carries with it loss of social and economic position through imprisonment, publicity and criminal records. The administrative procedure means a change in the basis of calculation, perhaps an alteration in the distribution of the social product between different participants in the process of production or distribution, perhaps only between entrepreneur and administration. This applies equally to tax evasion and to infringement of price, marketing, or production regulations. In many aspects such administrative procedure can be compared with the anti-trust prosecution by the

[1]) Part of the field is now regulated by the "Decree on punishments and procedures in regard to contraventions against price regulations" in *R.G.Bl.* 1939, I, p. 999. As regards the literature, see: Rauch: "Werdendes Wirtschaftsstrafrecht," in *Zeitschrift für die ges. Strafrechtswissenschaft*, vol. 58, 1938, pp. 75-98 and the same: "Umgestaltung des Preisstrafrechts," ibidem. vol. 59, 1939, pp. 360-70. Siegert: "Zum allgem. Teil des Wirtschaftsstrafrechts," in *J.W.* 1938, 2516-21.

U. S. Attorney General whose last report expressly states: "The defendants are usually not members of what is ordinarily called the criminal classes."[1]) But whereas the U. S. courts decide as sovereign bodies when they are willing to further and when to bar the industrial policies of the administration, the use of the administrative penal law in Germany represents an effective weapon of the administration's economic policy. It is applied, not to ascertain what the law of the land is in the question under dispute, but in order to coerce the merchant or industrialist to fall in line with the administrative regulations. In some cases private combinations as e.g. marketing organizations, were invested with disciplinary and penal power, and the official industrial associations *(Wirtschafts-Gruppen* and—*Kammern)* which had similar powers, were mostly dominated by the most powerful affiliated corporations.[2]) On the other hand the choice of the administrative penal procedure in the field of taxation, marketing or price fixing, represents a noticeable advantage to the commercial and industrial classes in their typical clashes with the public order. Its consequences are of a financial nature and do not prejudice the social status of the persons involved. For a long time the administration has even acknowledged that these penalties form a part of the ordinary business expenses to be deducted when establishing the net income of corporations for tax purposes.[3]) Behind these advantages which the administrative penal procedure grants to the business classes, there is always, of course, an evident danger that the administration may use the weapon of criminal prosecution against a recalcitrant or

[1]) *Annual report of the Attorney General of the U. S.* 1939 p. 37.

[2]) Cf. Drost: "Der Krieg und die Organisation der gewerblichen Wirtschaft," in *Z.A.* 1940, pp. 25-26.

[3]) The extent to which this administrative criminal procedure lacks any relationship with penal law, may be seen in an example which at the same time shows the ascendancy of the administration over judicial bodies. Up to the beginning of 1939 the revenue collectors, under the explicit rule of the highest judicial body in the field of taxation, the *Reichsfinanzhof*, maintained the practice of admitting the deduction of administrative penal fines from gross income when establishing the net corporation income. (See e.g. the decision of the *Reichsfinanzhof* of August 17, 1938, in *Reichssteuerblatt*, 1939, p. 229.) It was reasoned that these fines represented a typical case of normal business risk. As these fines sometimes attain considerable amounts—in one case the amount was over 1 million marks—the finance ministry ordered the revenue collectors to stop this practice (order of January 4, 1939, p. 257). The *Reichsfinanzhof*, legally a completely independent judicial body, hastened to fall in line with the order given to the revenue collectors, thus completely reversing the decision which it gave 9 months before. (Decision of March 8, 1939 in *Reichssteuerblatt*, 1939, p. 507.) It now argues that the administrative penal procedure also intends to punish guilt but with the difference that for reasons of mere convenience the guilt is often presumed and need not to be proved. Its main argument for the abandonment of its earlier line are the changing aims and significance of the administrative penal procedure which lead to a change in the people's conceptions of such procedures. As it is very unlikely that the people have a definite conception of such intricate problems as the legal nature of administrative fines, we can safely assume that the order of the finance ministry is the real explanation of the miraculous change in the people's opinion.

otherwise unpopular member of the business classes.

Administrative penal procedure does not necessarily imply that the offender fares badly in the individual case, as its foremost task is not one of punishing but of enforcing the obedience of the individual to the administrative policy with its rapidly changing needs. These administrative needs have also been responsible for a completely changed treatment of petty criminality (minor offenders in ordinary criminal cases). The increasing maze of regulations, economic hardships and fundamental processes of economic dislocation, with their inevitable consequence of loosening moral standards, have created an urgent problem of what to do with the enormous army of minor offenders. The theory which had elevated the criminal as such to the rank of the arch-enemy who has to be exterminated, hastened to show that the essential nature of those petty offenders raises a totally different problem.[1]) The administration coped with the problem in its own way. It institutionalized an expedient which democratic governments use only very hesitantly. In 1933, 1934, 1936, 1938, and at the beginning of the war, in 1939, amnesties were issued for: a) minor offenses of all types, punishable with prison terms of one to six months, b) minor offenses of political enemies, covering sentences up to six months and c) almost all types of offenses and sentences of overzealous political adherents. The amnesty laws applied to judged as well as to pending cases.[2])

[1]) H. Mayer, cit. above, p. 84 et seq.

[2]) We have not taken into account the numerous special amnesty laws for the members of particular administrative services or for the inhabitants of special (mostly newly incorporated) regions.

The magnitude of these amnesties may be seen from the following figures, although they are very incomplete.

	Numbers of convicted for crimes and misdemeanors[1])			Amnestied	Nolle prosequi	*Strafbefehle*[2]), asked for by prosecutor concerning trespasses and misdemeanors (In thousands)
1928	588492					831
1932	566042			139899	64839	695
1933[4])	491638	Amn. Dec. 30, 1932 results for Prussia only (55% of Reich)	up to 6 mos.[3]) polit. up to 5 years	51933		643
1934	383885	Amn. Aug. 2, 1934 (Prussia only) (55% of Reich)	up to 3 mos.[3]) polit. 6 mos.	193350 44174	120244 50334	563
1935	429335			6305		648
1936	383315	Amn. Apr. 23, 1936 Reich as a whole	1 month[3]) overzealous adh.	240340 1592	254674 1940	525
1937	438493					530
1938	335666	Amn. Apr. 30, 1938 Reich as a whole, old territory	1 month[3]) pol. 6 mos. pol. 1 month	437000 6428 22826	238000 12163[5])	406

[1]) all figures are taken from the official statistics given in *Deutsche Justiz.*
[2]) *Strafbefehl* = written order of the court issued without hearing on request of the prosecutor and imposing prison terms up to 3 months (6 months since September 1939) and fines.
[3]) Persons with more than 3 months antecedents not allowed to benefit from amnesty.
[4]) Figures for 1933 amnesty not available.
[5]) Austrians included.
Amnesties and *nolle prosequi* refer to fines too.

Whereas the convictions for crimes and misdemeanors and the amnesties and *nolle prosequi* relate to numbers of persons, the *Strafbefehle* relate to numbers of cases. This difference is partly balanced by the fact that about 40 per cent of the penal mandates are Bavarian cases (see: *Deutsche Juristenzeitung*, 1936, p. 46). But in Bavaria the prevailing practice is to handle, through judicial *Strafbefehle*, all kinds of violations of police regulations (e.g. traffic) elsewhere dealt with by the police and never appearing in any criminal record. It must also be noticed that the "number of convicted" covers crimes and misdemeanors, the amnesties and *nolle prosequi* crimes of political adherents, less important misdemeanors, and probably also some major trespasses, whereas the *Strafbefehle* include only trespasses and minor misdemeanors. In spite of all this overlapping, which prevents accurate comparison, one result stands out very clearly: In the years 1932, 1935, 1937, when the amnesties could have had no practical influence on the movement of criminality, the figures for convictions and for *Strafbefehle* are in general appreciably higher than in preceding or subsequent years, when the influence of the amnesty laws could be traced. We may notice, by the way, a secondary consequence of the amnesty policy with its numerous *nolle pros.*, as well as of the transition from ordinary to administrative procedure: Criminality-figures based on convictions by ordinary criminal courts become meaningless. (Von Weber: "Die deutsche Kriminalstatistik, 1934," in *Zeitschrift für ges. Strafrechtswissenschaft*, vol. 58, 1938, pp. 598-624 admits the deceptive nature of the German criminality figures. As regards the 1939 amnesty the administration has ordered that, in so far as nolle pros. are concerned, no material for statistical use should be collected. Cf. *Deutsche Justiz* 1939 p. 1432. This order makes it impossible to follow the application of the 1939 amnesty.) We cannot, therefore, obtain a statistically accurate picture of the development of that part of criminality usually handled by the repressive agencies of the government.

The German solution of the problem of petty criminality by generous and regularly recurring amnesties is open to grave doubts. When, by sheer good fortune, or by adroit manipulation, it is possible, even if discovered, to avoid punishment, the enforcement of the penal law assumes the character of a gamble. A purely technical consideration must also be added because of its specific weight. Whether the offender is classed as a first offender or as a recidivist merely depends upon the chance of whether, at the time of the amnesty, the proceedings had already advanced as far as the judgment stage, and that his records have therefore been transferred to the criminal files, or whether he is lucky enough to get away with the nolle pros. and therefore keeps his criminal record "virgin," as the French like to say.[1]) Let us agree, for a moment, that the lawyer is a mere administrative classifier. Even a purely classificatory practice will suffer in the long run, if the administrative technique is completely reversed during the year, while the aims to be achieved remain unchanged. And the most subtle differentiation will hardly be able to show why a larceny committed on April 23rd is something different from one committed on April 24th.

The war, as we have already had the opportunity to mention, brought a mass of new legislation. This legislation was doubtlessly influenced by special considerations of war policy, but it also contains matured concepts of National Socialist criminal policy.

Insofar as substantive law is concerned, the principal aim is to guarantee the security of the country in war time by an extremely harsh policy of punishment. The chief weapon is the unsparing use of capital punishment. As early as August 17, 1939, a decree made the death penalty mandatory for any attempt at treason.[2]) At the beginning of the war, the scope of application of the death penalty was also extended to crimes committed during the carrying out of anti-aircraft defense measures and also generally to all those who profit from the state of war in order to commit crimes. Whereas in these cases the death penalty is optional along with hard labor, it is mandatory for crimes involving danger to the public.[3]) A more recent decree applies the mandatory death penalty to anyone committing rape, highway or bank holdup, or other crimes of violence involving the use of firearms or swords or daggers or other equally dangerous implements. The same decree makes the punishment pro-

[1]) This state of affairs has led to proposals to introduce a file of pending crimina! procedures, Seidel: *Deutsches Strafrecht*, vol. 6, 1939, p. 23.

[2]) *R.G.Bl.* 1939, I, p. 1455 et seq. We do not comment on the aggravations of punishment for military and related offenses.

[3]) *R.G.Bl.* 1939, I, p. 1679 et seq.

vided for consummated acts mandatory for anyone only attempting or participating in a crime.[1])

The decree of October 4, 1939, concerning dangerous juvenile delinquents, also merits special attention.[2]) Up to the war there was some tendency to spare juveniles the harshness of N. S. criminal policy. The new decree, however, apparently a consequence of increasing juvenile delinquency, marks a break with the previous policy. It exempts juveniles between 16 and 18 from the jurisdiction of the juvenile court when the culprit, in view of his mental and moral development, could justifiably be regarded as a person over 18, and when the offense exhibits a particularly degraded criminal character or if the protection of the community requires such a punishment.[3])

The new evaluation of these criminal offenses shifts the emphasis from the personal motives, the direction of the criminal's will, to the special external circumstances under which the offense was committed.[4]) The deterrent purpose prevails above all other considerations. Where the statutory formulation still gives equal weight to the evaluation of the offender's personality and to the protective needs of the community, the official interpretation makes it abundantly clear that the latter aim has absolute predominance. In this relationship, the doctrines which lay special stress on the type of the criminal, gain official recognition. The war parasite, the precociously dangerous criminal youth, and the brutal criminal, as they appear in the war decrees, are criminal types for which the pictorial impression *(Bildtechnik)* prevails over precise legal definition *(Merkmalstechnik)*. In decisions deriving from these decrees, this method has led to the use of antecedents for establishing the guilt in the crime in question, and guilt becomes guilt not in relation to the particular offense, but in relation to the whole career and the earlier ways of life of the criminal.[5]) This method of considering antecedents not only in order to decide the punishment but also to judge the guilt in the offense before the judge, helps in practice to establish the pre-

[1]) *R.G.Bl.* 1939, I, p. 2378.

[2]) *R.G.Bl.* 1939, I, p. 2000.

[3]) Although the number of unemployed youths between 14-18 fell almost to zero between 1933 and 1937, the number of criminal youths rose in many towns much higher proportionally than would have been justified by the 34% increase in the age classes between these years. In Hamburg e.g. their number rose from 658 to 1068, in Erfurt from 111 to 230, in Halle from 150 to 230. The figures are taken from the reports on crime among youth in *Z.ges.Strafw.* vol. 54 (1934), p. 667, and vol. 59 (1939), p. 187. The most obvious rise is in the field of morality; the percentage of moral offenses in the whole of youth criminality rose from 4.6% to 10% between 1934 and 1937 in the townships.

[4]) "The picture of the personality of the offender cannot be separated from the state of war," Freisler in: "Gedanken zum rechten Strafmass" in: *Deutsches Strafrecht*, vol. 6 (1939, p. 329-342).

[5]) Cf. the decision of the Stuttgart *Sondergericht*, in *J.W.* 1940, p. 442.

dominance of a rather crude form of social protection as the main content of the criminal law.[1])

In the field of criminal procedure before the war, opinions arose, even in the National Socialist camp, resenting the fact that no mutual trust could be established between the defense attorney and the court. Nor had the problem of providing an adequate defense for the overwhelming majority of indigent defendants found a solution.[2]) The deterioration in the position of the defense attorney was, after all, very largely an unavoidable result of the transition from the liberal to the National Socialist system. Instead of improving the position of the defense attorney, the war increasingly shifted the main task from the judge to the public prosecutor, member of the "militant" corps of the administration of justice. The war decrees have given the public prosecutor an almost completely free hand to choose before which judge he would like to bring a case. Competence in criminal matters is no longer regulated according to the nature of the offense, but depends on the sentence which the public prosecutor is prepared to ask for. Thus he has complete power to decide whether he intends to bring the defendant before the "one-judge-tribunal," which may prescribe hard labor up to two years and imprisonment up to five years and against the decisions of which there is no appeal, or before one of two kinds of "three-men-courts," which may prescribe any kind of sentence, including the death penalty. If he chooses to bring the defendant before the ordinary "three-men-court" *(Strafkammer)*, an appeal to the *Reichsgericht* is possible. Incidentally, we should note here that the abolition of the principle of the inadmissibility of *reformatio in pejus* now allows a conviction to be reversed to the detriment of a defendant, even if the decision has been appealed only by him. But if the prosecutor prefers to bring the case before the "special tribunal" *(Sondergericht)*—usually composed of the very same three judges who ordinarily sit as *Strafkammer*—no appeal is allowed.

The participation of laymen in criminal proceedings has been completely abolished as a measure of war economy, but even now it is still possible that the judges might not conform quickly enough to the policy of extreme deterrence initiated by the government. There were some instances where the "three-men-court," constituted as a "special tribunal," and issuing a decision which was legally unappealable, did not react quickly enough to the wishes of the government.

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[1]) *RG. S.* vol. 71, 179 anticipates this trend when it explains that a state of diminished responsibility by no means excludes the application of the death penalty.

[2]) Siegert, "Die Lage des Strafverfahrens," in *Deutsche Rechtswissenschaft*, vol. II (1937), p. 47-57.

To remedy the situation and to secure a jurisprudence in absolute conformity with the wishes of the political leadership, a special division was set up inside the *Reichsgericht.*[1]) Before this division, the chief public prosecutor of the *Reich (Oberreichsanwalt)*, as representative of, and on order from, the *Führer*, may directly bring—omitting the lower courts—certain cases which seem to him of special importance. Moreover, even cases which have been finally decided, may be brought by him to a new trial before this division, within a period of a year after the final decision of the lower court had been rendered. The decree provides for this new procedure in case there are grave objections to the accuracy or the justice of the judgment. But let us not misunderstand the position: when the chief public prosecutor demands a new trial, he at the same time stipulates the sentence which the division is expected to give.[2]) Not without justification, the position of this special division has been compared to that of the princes in the XVIIth and XVIIIth centuries, who had the sovereign right of confirming or modifying decisions of criminal courts, and, therefore, the possibility of increasing or decreasing the punishment. A slight difference, however, should not be overlooked. Frederick II of Prussia, whose memory the new German regime sometimes takes pleasure in invoking, exercised this jealously guarded right of "confirmation" in order to foster the humanization of the criminal law and not, as the present regime does, solely for the purpose of converting the criminal law into a system of deterrence and brutality.[3])

The situation of the German judiciary in dealing with criminal cases may be summed up as follows: Like any other administrator of importance, the judge has the right and the duty to decide the particular case before him according to the existing laws of the land.

[1]) Decree of September 16, 1939, *R.G.Bl.*, 1939, p. 1841.

[2]) Tegtmeyer, "Der ausserordentliche Einspruch," in *J.W.* 1939, p. 2060. The decision of the special division, quoted in *Z.A.* 1940, p. 48, shows that the judges understood the orders given to them when they changed a sentence of hard labor into a death sentence.

[3]) E. Schmidt, "Staat und Recht" in *Theorie und Praxis Friedrichs des Grossen.* 1936, p. 30 et seq.—A later decree of February 21, 1940 (*R.G.Bl.* 1940, I, p. 405) generalized the option of the chief public prosecutor of the *Reich* to take exceptions to final decisions during a period of a year following the decision. The decree allows him to challenge criminal sentences before the ordinary divisions of the *Reichsgericht*, if he finds faults in the application of the law. Conservative lawyers were eager to interpret this as a new nullification procedure in substitution of the extraordinary exception before the special division (Klee: "Die Verordnung ueber die Zustaendigkeit der Strafgerichte." *Z.A.* 1940, p. 90). But it was immediately authoritatively confirmed that the extraordinary exception did not yield to the new rules (Freisler, "Die neue Methode der Strafgerichtszuständigkeitsbestimmung," in: *Deutsche Justiz* 1940, p. 281). It seems, therefore, that in order to obtain the desired results in questions of practical importance, a new trial before the special division will be asked for, whereas in questions of more legal than practical significance, the unification of the criminal practice will be obtained by means of the nullification procedure before the ordinary divisions of the *Reichsgericht.*

Just as the administrator may receive, from his superior, a circular prescribing certain desired changes in administrative methods, so the judge may be presented with a retroactive decree ordering him immediately to change criminal practice. The difference between the administrator and the judge is the following: in particularly important cases the administrator usually receives orders from his superior, prescribing how to proceed and to decide. But a judge is legally only bound to decide according to the existing laws—subject, however, in so far as his person is concerned, to compulsory transfer or removal, and subject, in so far as the judgment is concerned, to the order of the *Führer* to the special division of the *Reichsgericht* to change the decision in the way indicated by the chief public prosecutor of the *Reich*. Of the many changes which the administration of criminal law has undergone in Germany since 1933 the most far-reaching one is its conversion into an administrative technique. New prescriptions are made and remade; the emphasis may shift from personality factors to the social situation; harsh punishment in one field and for one set of persons may be counterbalanced by wholesale exemptions for other violations and other groups of persons. And at the same time there is a continual process of levelling down the judiciary from the status of an independent organ of the state to that of an administrative bureaucracy. As early as the beginning of February 1933, the freedom of action of the judiciary became increasingly restricted through the replacement of the general law of parliament by the *Führer's* uncontrolled and incessant decree legislation, often applying to specific cases.[1]) The war time decrees, by making it possible to control individual criminal decisions, mark the last stage in the transformation of the judge from an independent agent of society into a technical organ of the administration.

One of the most serious consequences arose from the accompanying process of departmentalization. We have seen how the increased efficiency of State and industrial machinery was paid for not only by the loss of the benefits of abstract citizenship, but also by the complete subordination of man in his productive relationships to the disciplinary and penal machinery built up by the special services and by private combinations invested with the garments of public authority. It is at this point that the inroads of the National Socialist State machinery on the daily life of the average citizen appear to be most striking and that the exclusive predominance of strict power relationships will most likely create frictions.

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[1]) Franz Neumann, "Der Funktionswandel des Gesetzes im Recht der bürgerlichen Gesellschaft" in: *Zeitschrift für Sozialforschung*, vol. VI (1937), pp. 542-597.

The fight between normativism and the concrete conception of life did not affect developments in the field of criminal administration until a very late stage, when this conception could, by its very loftiness, be conveniently used to bridge theoretical difficulties in the recent campaign for ruthless extermination. The attempt of the legislator and of the judiciary to use the criminal law to raise the moral standards of the community, appears, when measured by the results achieved, as a premature excursion by fascism into a field reserved for a better form of society. In effect, it is difficult to see how the goal of improving public morality could be obtained by a State which not only operates at such a low level of satisfaction of needs, but which also rests on a supervision and direction of all spheres of life by an oppressive political organization.

Reviews

Steding, Christoph. *Das Reich und die Krankheit der europäischen Kultur.* Hanseatische Verlagsanstalt, Hamburg 1939. (XLVIII and 772 pp.; RM 23.—)

This example of National Socialist metaphysics gives one the impression not of a philosophical but of a psychiatric discussion. Nevertheless there are two reasons for reviewing the book at considerable length. First, it is an official study, published by the National Institute for the History of the New Germany, and the president of the Institute, Walter Frank, has himself prefaced the book with a long commendation of the author, praising him as the "most gifted critic of the history of culture." Secondly, the book is by no means a belated piece of propaganda dressed up in philosophical clothing, but a document produced by a young philosopher who originally had something genuinely philosophical in him, and whose foundations—intellectual as well as others—have been shattered by the fact of National Socialism. This man now devotes his training in philosophy, his learning, his intellectual passion—still recognizable even in its pathological form—solely to the depraving of education, knowledge and intellect. In this book we see the philosopher kotowing before nothing less than a manifestation of might, led up to by philosophy; kotowing not because something like philosophy is contained in this manifestation but just because that is not the case, because the manifestation is so imposing that, compared with it, all philosophizing, all philosophic discussion of ends, in fact all ends themselves, appear to be so much ridiculous "palaver." At this late stage, in the thunder of the onrushing revolution, Steding himself can no longer miss hearing political reality. Henceforth he identifies the newly discovered "reality," which is mightier than any existential philosophic concept—that is to say, politics—with the thunder which opens his ears. And, henceforth, the only real being is for him the *Reich* and the might of the *Reich*.

Steding's fanaticism (in contrast to other National Socialist philosophies up to 1938) is not folk or racial fanaticism. In comparison with typical folk metaphysics he is even anti-folk. As metaphysical substance the *Reich* is permanently superior to the simple material of the folk, whose ethnic divisions have no political reality; permanently superior, for the *Reich* is the *summum esse* for Steding in exactly the same sense as God is for theology.

This absoluteness is already visible in the choice of a vocabulary. Steding seldom speaks of "Germany," and hardly ever of the "German *Reich*," but either of "*Reich*," of the "world of the *Reich*," or (in many variations) of the "heart, basis and *a priori* of Europe." Such a choice of words leaves the reader of this almost eight-hundred page book ignorant of whether the language is that of historical or metaphysical reality.[1]) Let us examine the

[1]) The term *Raum* is another typical word for Steding, and is much more fruitfully used by him, than by other National Socialist authors. For him *Raum* means all those territories outside the *Reich* which, when the time comes, will belong to the *Reich*. *Elbraum* and *Rheinraum* do not exist; but *Sudetenraum* and *Donauraum* do.

expression "the world of the *Reich*." This expression means first, the *Reich* itself. But, on the other hand, the expression "the world of . . ." generally means the world in which someone lives, the world which reaches up to this someone (for example, the world of Renaissance man). In this sense the expression "the world of the *Reich*" means the world in which the *Reich* lives and which reaches up to the *Reich*. But that is the world outside of the *Reich*. Thus the world of the *Reich* becomes the whole world. The philosophically ambiguous expression is at the same time the paraphrase of Germany's expansion, that is to say, that Germany is "everything in the world."

This expansionism, already contained in the chosen vocabulary, proceeds in a highly philosophical manner. In the last analysis, Steding is a pupil of Heidegger. If, for Heidegger, "world" is only an existential of man's being, for Steding the political world is only an existential of the "*Reich*." From the remains of what, with Heidegger, was still an effective transcendental solipsism, his pupil constructs a national solipsism. When Heidegger says that in reaching for the world, existence only overtakes itself, Steding says that when "the heart of the continent saves the world" it only finds that it "has been brought to identification with itself." It is unnecessary to remark that the Heidegger conception of "catching up with oneself," of "becoming identified with oneself," is also only a later conception of a classical philosophical idea. Steding is therefore not only a pupil of Heidegger but also an armour clad descendant of the whole "become what thou art" tradition. And Steding can find nothing worse of his enemies than that they have no philosophy of identity.

Self-identity, coordination and self-coordination of the *Reich*, are now evidently used almost synonymously. As the *Reich* grew out of Prussia, all these terms mean the annexation by Prussian Germany of all the territories of the *Reich* which did not originally belong to the second *Reich;* not, therefore, a coordination of parties or individuals in the Nationalist Socialist system, but of territories, especially those territories which originally were part of the Holy Roman Empire of the German nation, which, after the disintegration of this Empire, ceased to be historical factors, and which were not willing to be incorporated in the second or Third *Reich*. For Steding, coordination is the process of departicularization, of recognition of the King of Prussia as the Emperor of Germany. That Steding does not grow tired of insisting upon this coordination may be due to the fact that his native province, Lower Saxony, was not again incorporated in the *Reich* until at a late stage, and for a long time persisted in its unhistorical and unpolitical form. That is, at least, Frank's opinion. However this may be, Steding, who was only recently a "Westfalian peasant's son," regards the concept of folk as the incarnation of narrowness. And every small, relatively self-contained realm appears to him as the principle of "alienation," of "divergence," and, consequently, as the principle of non-identification of the *Reich* with itself. He can only expound such an alienation in terms of the categories of Hell, for there is nothing but the *Reich*, and as a being the *Reich* is a "realm of light."

This thesis, that there is nothing but the *Reich*, cannot be understood sufficiently literally by the reader. The reviewer must confess that he knows scarcely any other intellectual product that derives so exclusively from an enthusiasm for the existent and from an abhorrence for particularity. No program, no Party program, however monomaniac it may be, can compare

with Steding's radicalism. For Party programmes ultimately have special formulated ends. But Steding's passion is nevertheless a political one, for he regards "individuation" not merely as an unreality but as an enemy, even if not as the enemy of his ends, but of the one and only being, the *Reich*.

This abandonment of the category of the "political end" is not very easy to understand. But it is the final result of the conceptual consequence of coordination, which accepts nothing but catching up with the being, and therefore refuses any alteration of the being. That alone is the background of the abandonment of the category, even if Steding attributes it to other roots. He himself regards it as bound up with a criticism of the so-called "eternal norms," with a criticism which is in no way different from the historical and Marxist criticism of the "claim of the eternal." And he throws out the formulation of ends with the bath—water of the "eternal norms."[1]) However that may be, the questions of how the world should really be, or of what man should fight for on behalf of man—these questions do not exist for him. For he knows that existence, insofar as it is political, and that, therefore, the *Reich* (which is identified with political existence), exist in truth. It is not difficult to find, in this struggle against ends, degenerate remains of the Hegelian critique of Kantian morals. But whereas Hegel intended a very definite political reality, and worked out its laws to the last detail, Steding's reality arrives at that very emptiness and formality which Hegel condemned in Kant's morals. His coordination with the *Reich* is no acknowledgment of a definite form of government; he simply decides in favour of *energeia*, of the manifestation of power. The *ergon* remains of no consequence. Achievement and power are more important than the end to be attained; and so far as it is only a question of "might achieve," the *Reich* is in the correct form. We do not need further to insist that this conception of what is political is absurdly unpolitical, that every political action and movement consists essentially of the realization of a determined end.

The term "determination" *(Bestimmung)* has an authorized double meaning in classical German philosophy. It means not only aim *(Abzielung)* but also definition. In this latter sense, Steding renounces a definition of the *Reich*. To speak of the *summum esse* as a predicate would be an insult. This logical and theological universality is to some extent a license; whatever the *Reich* does is good if it is only the *Reich* that does it. And if other *Volksgenossen* have, on pragmatic grounds, "not wanted to say anything about the *Reich*," the philosopher is silent for more acute, negative-theological reasons.

Steding is inordinately proud of the fact that he has "decided" in favour of this unconditional, political attitude; proud especially in contrast to the dialectical theologians who, from a programmatic point of view, perched permanently on the point of decision and therefore never decided anything, and made a virtue of the needs of the crisis. The moralist criticism of this dialectical theology takes up an enormous amount of space in Steding's book, which continually returns to it, and nowhere is the pride of the converted so blatant as in this criticism. But his decision is just as imaginary and inconsequential, so far as his concept of the political is concerned, as the lack of

[1]) The fate of the "criticism of the eternal norms" is really noteworthy. If we consider that it was originally a theory accompanying the formulation of new political ends, and that later (for example with Max Weber) it was the basis of political neutrality, it is extremely surprising that it can be brought into direct relation with a philosophy of coordination.

decision of his enemy. For he has decided only as a man who, having generally concluded in favour of marriage, comes to regard himself as actually married.

From this position Steding now attacks his enemy—that is, everything not directly might, and, therefore, all culture. And he attacks it as an absolute atrophy of substance *(Substanzschwund)*, as neutrality, and as impotent *"verschweizertes, niederländisches Gebabbel."* For in spite of his decision in favour of the untheoretical being, might, and the *Reich*, he still remains faithful to his old field, to European culture. He takes this culture, bit by bit, to prove that it is neither might nor *Reich*. He proves this in a most distinguished way; proves it as a monomaniac, having gone into a bookshop and read and reported on every book in great detail, proves that they are not machine guns. Among the hundreds of his victims are Rousseau, Schiller, Nietzsche, Beethoven, Huizinga, Freud, Thomas Mann, Hamsun, Burkhardt, Brandes, the Bolsheviks, the Jews, Dutch bulb growers, Swedish drunkards, Catholics, Pietists, bankers, birthcontrollers, suffragettes—in brief, everything that is not the *Reich*. But he is especially intrigued by the authors from the *Anrainerländer*—that is, from the countries which are neighbors of Germany —as these, by being outside the *Reich*, are *eo ipso* hostile to the *Reich*, and attempt to "neutralize," "encircle" and "inject culture" into the *Reich*.

For Steding, "culture" means neutralized might. It is for the most part the "degenerate" manifestation of a political creation *(Gebilde)* which has already forgotten its origin in might. (The conception is evidently constructed after the model of the *Reich;* law has forgotten the might which set it up.) This culture is especially adored in those small nations which are now no longer able to play a world-historical role. It is a kind of egg of Minerva's owl, that, for reasons of security, the small nations have secretly laid in the nest of their mighty neighbour, so that this neighbour—that is, the German *Reich*—should forget its own true political existence, become degenerate, and lose its appetite for small nations. It is significant that this culture theory, which, in its essentials, half-heartedly hobbles after culture, contains the remains of a "basis and superstructure" theory. But for Steding the superstructure, culture, is not the superstructure of a world of material interests, but of a metaphysically conceived organism of might. However this may be, Steding now not only turns against the autonomous claim of culture in general, but especially against the cultural history which has falsified the history of the real being (and, therefore, of the *Reich*) and changed it into a history of the seeming, of the "foam on the wave of reality," into a history of the phenomena of old age.

It is impossible for us to explain here, in a historical context, the undoubted neutral character of culture. To mention a few out of the many hundreds of sources, it derives from the loss of authority of dogma—or of the Church (see the neutralization of religions in Lessing's *Nathan*). It derives from the fact that the cultural qualities were very largely excluded from politics; from the present commodity nature of cultural products; from the natural sciences; from historism, and so forth. In Steding's almost 800 page book, such sources are never discussed. For Steding "neutrality" is solely the poison of those who have ceased to be political factors, or the "depoliticising" poison which the *Anrainer* (neighbours), the "pensioners" of the old Europe, inject into the veins of the Second and Third Reich.

We already know, from ordinary National Socialist literature, that all

enemies are one enemy, that Jews, Marxists, Liberals, etc., are identified with each other. But with Steding, who is enormously learned, and who has at his command a much vaster material for identification than the ordinary National Socialist, this search for identification yields unforeseen triumphs. The "false infinity" of things which are not the *Reich*, is for him an infinity of evil things which are hostile to the *Reich*. The people of Basle and Amsterdam, Nietzsche, the Jews, and so forth, are all one enemy. Although they have no connection with each other, most of them even being widely separated by time, they are still, so to speak, photographed on the same negative. For example: "It was not by accident that, after the War, unhistorical Mongolian types like Clemenceau" or "paralytic types, products of democratic-bolshevist races, like Wilson" came to the head of affairs. Or: it was not accidental that the French, whose 1789 revolution abolished Germandom *(Deutschtum)*, cast furtive glances at "the creation of the Jewish—Tartar steppes (Soviet Russia) perversely yearning to deliver themselves up to the satanic powers." (He means the Franco-Russian collaboration in the League of Nations.) These literary gems are chosen from two consecutive pages. The reader will understand that it is not very easy to extract a philosophy from 800 pages written in such a style. The enormous number of Steding's polemics, and the fact that they are all entangled with each other, make it impossible to recount them. Instead, we shall draw up a catalogue of the objects of his hatred, reconstruct his associational mechanism, and show how his associations are always able to arrive at hostility to the *Reich (Reichsfeindschaft)*. The catalogue is incomplete but typical.

Bachofen—matriarchy—narrowness—particularism—lacking coordination with the *Reich*.

Matriarchy—prehistory—search for the past—passiveness—nothing in—non-cooperation with the *summum esse* (the *Reich*).

Matriarchy—mater—materialism—Jewish bolshevism—hostility to the *Reich*.

Bank for International Settlement—conciliation—restriction of the absolute *(Reich)* which alone can conciliate.

Tradition—prehistorical interest—interest in neutralizing the substance of history. Tradition leads "directly to the rule of Jewish-Marxist culture"; thus hostility to the *Reich*.

Chemistry—doctrine of transitions, thus (eleatically) of the non-being, thus hostile to the *Reich*.

Dialectical theory—not-God finding—being alone—being deserted—hostility to the *Reich*.

S. Freud—(in identification of discoverer and founder) founder of sexuality—orgiastic—oriental confusion—hostility to the *Reich*.

Exchange of prisoners—see "Bank."

Large town—deviation from countryside ("corrupted mob")—industry—worker-Marxism—materialism.

Kantianism—disintegration of the world into realms (of the individual sciences)—particularism—sabotage of the *Reich*.

Kierkegaard—inconsequential aestheticism—("Spinelessness of the average Scandinavian") gossip—"palaver in Negro villages"—"black world of the Dark Continent" (Africa); African colonies in general; Germany has no colonies. So Kierkegaard is hostile to the *Reich*.

Matter—remnants which, when formation (of the *Reich*) takes place,

do not enter, but which must be overcome; all might outside the competence of the *Reich.*

(Example: "The State does not tolerate anything material. It perpetually overcomes "the dog beneath the skin." *(Der innere Schweinehund.)* Or: "In 1918 people gave themselves up to sexual matter, because, beaten in the material battle, they believed in matter.")

Neutral Country—not *Reich*—frontier—barrier—restriction of *Reich.*

Neutrality—not fight—peace—having been—not being—this opposes the *summum esse.*

Nietzsche—norms and ends—a person meaning ends, sees man in transition (cf. Chemistry). Formulation of ends—non-agreement with "being"—disagreement with the *Reich.*

Polarity—two sidedness of a theory—cooperation with neither side—neutrality (cf.).

Romantic—feminine—mater—materialistic—cf. matter.

GÜNTHER STERN (Los Angeles).

Lynd, L. S., *Knowledge for What? The place of social science in American culture.* Princeton University Press. Princeton, N. J. 1939. (278 pp.; $2.50).

In their sociographical studies, *Middletown* and *Middletown in Transition,* the Lynds presented a self-contained picture of all the aspects of life in a mid-Western town in the United States. Both books are consciously untheoretical and empirical. When we read them, we should ask ourselves if the deep impression they leave with us is to be attributed rather to painstaking, empirical research or to Professor Lynd's talent for writing and to his extraordinary power to perceive relationships. In the foreword to the second book, *Middletown in Transition,* Lynd already pointed out that sociological studies must have a theoretical basis, for the selection of the problem itself and the differentiation betwen relevant and irrelevant facts are dependent upon a definite explicit or implicit theory.

The new book is fundamentally a renunciation of positivism and empiricism. It is one of the most important publications in the sociology of the present day, a literary performance of high standing, full of stimulation and distinguished observations. It is even more important both because it comes from the chief representative of the Research School of American sociology and because it appears at a time when logical empiricism, which in the United States is closely linked to sociology, makes ever growing claims. Lynd advocates the thesis that the social sciences cannot be fruitful unless they have as their basis a theory of society, and that a pure positivist-empirical sociology is valueless.

The first chapter describes the social sciences in the crisis. While the liberal belief in progress is disappearing, the social sciences have not been in a position to develop any other theory. They had contented themselves with collecting a prodigious mass of facts and the question already arises whether perhaps it is not the very insignificant facts which have been collected. The second chapter, which deals with the concept of culture, attacks the specialization of the social sciences. Lynd shows that in spite of the nominal recognition of the interdependence of all the disciplines and of culture as the basis, specialization never before went as far as it has gone today. The duty of American sociology is the interpretation of American

culture, dominated by the powerful antagonism which derives from the unequal development of productive powers on the one hand, and of the political and moral ideas on the other. While technical progress has profoundly modified the conditions of production, labor policy is still, for example, inspired by the spirit of the Elizabethian anti-monopolistic conception. The third chapter gives a penetrating and persuasive description of the ambivalence of the American citizen. Let us cite a number of Lynd's formulations: religion and the fine things of life are our ultimate values—but a man owes it to himself and to his family to make as much money as he can. Or: capital and labor are partners—but it is bad policy to pay higher wages than you have to. Or: education is a fine thing—but it is the practical man who succeeds. Or: the American judicial system guarantees justice to every man, rich or poor—but a man would be a fool not to have the best possible lawyer, etc. Lynd shows the uneven development of American culture, the contradiction between productive powers and conditions of production, the monstrous differences in power, the concentration of population in large cities, and many other things. Regarding it as a whole, American culture is described as a mixture of opportunity and frustration. "It is in the main a pattern of lack of pattern, marked by the disorder and the substitution of doing for feeling. . . . For the individual it is a pattern of extreme complexity, contradictoriness and insecurity." (p. 105).

In this situation the social sciences have the task of being tools which man can use for solving the problems presented to him by modern culture. Purely empirical knowledge, like that pursued in the studies of the National Bureau of Economic Research, is no longer sufficient. The social sciences must base themselves on bold hypotheses. Empiricism by itself, in spite of its necessity and nature, leads to overemphasis of the problem of the day, and to a turning aside from the decisive questions. That applies especially to the present position of statistics. It also holds good for history and psychology. In the "political sciences" we find on the one hand the traditional history of political theory, and, on the other, a prodigious collection of facts which bear no relation to each other. Nor, up to the present, has sociology been in a position to contribute to the solution of the problems presented to us by modern society. Some sociologists still regard sociology as a kind of holding company of all the special sciences. The fundamental reproach which Lynd levels against the social sciences of today, is that they think in terms of disciplines and not in terms of problems. The problems of the social sciences are historical ones, and can only be understood in a historical analysis.

But in order to make them comprehensible (and that is the content of chapter V, the decisive chapter), sociology must have a system of values. For this reason Lynd turns against the so-called objectivity of the social sciences. Pure knowledge, even "pure research," is impossible. The basic characteristic of a good research worker is the capacity to distinguish between relevant and irrelevant problems and facts. But such a distinction is possible only on the basis of a theory. This theory must also have the definite goal of making concrete predictions. It follows that sociology must accept a definite ethic. Its task is to recognize and help to satisfy man's strivings and needs. These forces dictate, to the empirical social sciences, both the location of their problem and the methods to be followed: "If man's cravings are ambivalent, if he is but sporadically rational and intelligent, the task of social science becomes the discovery of what forms of culturally structured learned be-

haviour can maximize opportunities for rational behaviour . . . and at the same time provide opportunity for expression of his deep emotional spontaneities where those, too, are important." (p. 200).

Chapter VI, entitled "Some outrageous Hypotheses" (meaning that hypotheses may be termed shocking as well as excessive), presents a list of problems with which man is confronted in America. Lynd gives twelve problems and hypotheses. 1) Today the possibilities of life are decreased by contradictory institutions, disproportionalities and erratic reliance on *laissez-faire;* only by means of a planned society can the uncontrolled forces be directed. 2) Because it alone recognizes the dignity of man, democracy is the only possible political form. If we want to maintain democracy as an active principle of culture, it must be intensified and extended and must also become an economic democracy. The gap between the ruling and the ruled must be closed. 3) Private capitalism is a reckless and fettering instrument of production and distribution. The hypothesis is that private capitalism no longer works and probably cannot be made to work any longer. 4) Current social science belittles or conceals the omnipresent class antagonism and class struggle. Without an accurate analysis of this class antagonism, the social sciences cannot solve their problem. 5) The assertion that there is equality among men is historically dependent upon the revolt of American democracy against authoritarian inequality. But since then biology and psychology have taught us about the inequality of the human psyche. We know, moreover, that native endowments are not distributed equally. The hypothesis is: human welfare can be increased by recognizing that men are not equal and by analyzing and eliminating the causes of their inequality. 6) Our present institutions derive from an era in which men were not only regarded as equal but also as rational, while we know today that men are basically emotional. If we want to achieve constructive, rational behaviour, we must reckon with the great measure of irrationality. This leads to 7) the widespread tendency to foist all problems onto improved education. The hypothesis must be that it is impossible to rely primarily upon education. Nor is religion more of a living reality (hypothesis 8). Social science must create a substitute which better satisfies men's emotions. 9) War is a crude form of arrangement. It is possible to create a culture in which war is no longer the method of settling disputes. 10) Urban civilization provides the richest possibility for modern living. But urban life at present devitalizes our culture and it is the task of science to knit the urban population into communities. 11) People abhor strikes, class struggles and revolution. It is the duty of science to create a real community of man. Hypothesis 12) deals with the attitude of the social scientist to the assumptions which Lynd makes. Social scientists will all agree that they may possibly accept Lynd's problems, but will want to refuse the responsibility. But social science cannot fulfill its function unless the scientists directly deal with these problems.

We can content ourselves here with a few critical remarques about this wide program, for the essentials have been amply stated in this journal.[1]) This criticism relates most appropriately to Chapter V, "Values and the Social Sciences." The value philosophy which the author advocates, and which appears as a criticism of positivism, is, however, only the reverse side

[1]) Max Horkheimer, "Der neueste Angriff auf die Metaphysik," *Zeitschrift für Sozialforschung,* VI (1937), pp. 4 et seq.

of the latter. This philosophy shares with positivism the assumption that the world may be divided into a realm of reality and one of values, and attempts to draft a hierarchy of values as against a reality which is accepted as a fact. The South-west German school of philosophy saw the problem of the theory of society in exactly the same way as the author. There are two questions that value philosophy can never solve: whence derives the content of truth of the values, and how can one construct a bridge between value and reality? While it attempts to answer these questions, one line of value philosophy becomes transformed into a psychological relativism. Individual preference determines the number of relevant values, their position relative to each other, and their content of truth. The truth of an ultimate value cannot, on that account, be maintained, let alone established. Value philosophy leads to relativism. The classical formulation of this standpoint is found in Gustav Radbruch's philosophy of law, where he maintains that, from the point of view of relativism, even a socialist might have been able to produce Stahl's conservative philosophy of the State.

Another line of value philosophy can lead to a metaphysical or even to a naive dogmatism. Max Scheler's most acute analyses cannot conjure away the fact that the postulated value hierarchy is dogmatic.

Lynd's value system is subjectivistic. In Chapter V he begins with the assertion that the system of values enters sociology at every point: in the distinction between important and unimportant facts, in the initial selection and limitation of the problem, and so forth. So far he is correct. His first demand, that sociology should become conscious of its system of values, still does not differentiate him from positivism, which, indeed, in Max Weber's formulation, has the task of pointing out the most adequate and rational means for realizing ends, however these ends have been determined or presented to the sociologist. The difference between Lynd's system and positivism consists in the fact that for Lynd the ends, the value system, are given in the character structure of man. The cravings which man "living together in culture have persistently sought to satisfy" (p. 203) are the values which determine the problems of sociology. But the social theory thereby dissolves into psychology and leads directly to the relativism which the author wishes to avoid. An example may make this clear. According to the author, man strives on the one hand towards physical and psychological security; but on the other hand he likes risk if it is stimulating and exciting. The question arises, whether both cravings can be realized in the same historical situation, or whether perhaps one craving must be sacrificed to the other. With a multiplicity of partially contradictory cravings in man, there must be in existence an ultimate authority which coordinates this multiplicity, whether in an anarchic or in a rational way. This authority is society. It is exactly the same for psychological relativism as for the pluralism which, in political theory, is in fact only an application of relativism. According to this doctrine, the state is nothing but one authority alongside of many others (Church, Party, Trade Union), and the many authorities are to harmonize in keeping with some mysterious plan. But they never harmonize, and the sovereign State, declared by pluralism to be dead, subjugates the pluralist units. Similarly, if relativism wants to achieve fruitful work, it must, however, attribute preference to one of man's cravings. The decision to which it comes is obviously arbitrary.

The psychological point of departure is not, however, maintained by the author, and this is shown particularly in Chapter VI. Most of the twelve problems and hypotheses treated by the author as outstanding, are not directly bound to the psychological value system. However important they are, and however towering their significance, the process of selection could be extended and one could eliminate individual problems as irrelevant or as already contained in other problems. This unsatisfactory position arises from the lack of a theory of society. It is not enough to lay down the postulate of a rational society. The critical theory may reach the conclusion that present society will, in the near future, lead to an even worse and more irrational one, and that all the striving of science, all the approximation of sociology to reality, and all the concern to deal only with relevant themes, cannot change anything. Let us take one of the author's examples. He sees very clearly that the problem of a rationally planned society is not primarily a technical one. It is indissolubly bound up with the basic structure of the society. But it is possible that, under the conditions of present day society, planning would lead to quite different results from those which the author considers desirable, that is, to a concentration of colossal economic power in the hands of the political authority, and hence to the equipping of the political apparatus of oppression with all the techniques and methods of modern society. Another example makes that equally clear. Lynd is right in rejecting the claim of liberalism to regard education as the decisive method for altering society. But if his criticism is correct, and we do not doubt it for a moment, what method then remains in the present stage of society for maintaining the isolated, progressive features or even for thoroughly transforming them into a rational whole?

This central question cannot be answered by positivism, for it does not even recognize the problem. It cannot be answered by any value philosophy, which offers to mankind a whole array of values for selection. It cannot be answered by psychology, which can never pass judgment on the rightness and truth of man's strivings. It can only be answered by a theory of society, which is essentially critical.

In spite of all the psychological atmosphere, the foundations of such a theory are found especially in Chapter VI. For in that chapter (as also to some extent in the previous one), Lynd continually reverts to one problem—the antagonism of society. This antagonism is economic, social, political and psychological. All the twelve problems regarded by the author as relevant, are problems which fundamentally cannot be explained in the realm of psychology, but only in terms of the inner contradiction of society. Just as education, however "progressive" it may be, does little to create the conditions of a rational society, so science, however much it keeps its ear to the ground in order to hear man's cravings, can do little to change a society. A sociology which stops short at, and accepts the cravings of man in their given form, is just as far from a solution as one which collects facts and constructs theories without concern for the question whether they are of use for any concrete purpose.

Franz Neumann (New York).

MacIver, R. M., *Leviathan and the People.* Louisiana State University Press, University, La. 1939. (IX and 182 pp.; $2.00).

This slim volume is in the great tradition of political philosophy. The hundred pages of the discourse itself, and the additional hundred pages of commentary, are rich in wisdom and pertinent in their applicability to our current doubts and discontents. Like all truly living tracts for the times its contemporaneity is merely the framework for queries which emerge time and again in the long perspective of man's effort to create a humane and viable social order. Slight as is the external covering of the ideas expounded here, the ideas themselves are set forth in modern dress for immediate issues in the present tension between the search for order and the pursuit of power—with all the vigor and persuasiveness of the classic debate.

The problem is not new, nor is the setting, perhaps, so very different today from what it has been in past epochs of social upheaval. Except that the range and character of destructive forces is greater, because man has found new and more pervasive ways of harnessing nature to his command, for ill as well as good—the ambivalence of forces within man, and so within and between groups, works itself out in uneasy equilibrium, in constant tension. As M. puts it, "The major conflict of modern world history is not that between communism and fascism but that between the dictatorial and the democratic principles themselves. . . . Even if the nations meet at Armageddon to decide it, it will not be decided there. For the final conflict is one between human values, it is one within the human mind itself. It will be settled not between states but within states."

Leviathan then is the omnicompetent, omnipotent State. Over against Leviathan stands the concept of the State as servant of the People. In the immediate scene, it is the rivalry of the totalitarian and the democratic ideas. "Just as the democratic state alone explicitly establishes the distinction between the state and the community, so the totalitarian state alone explicitly denies the distinction. Just as the democratic state makes government the agency and the people the principal, so the totalitarian state makes the people the agency and government the principal."

M. traces the trail of Leviathan across the chart of political organization and function since Cromwell, "the only dictator England has known." He indicates how, in the seventeenth and eighteenth centuries, the rule of absolutism was checked through the emergent concept of constitutionalism. "Great areas" were fenced against state intervention and irresponsible action by the sovereign, "the first being religion and thereafter immense tracts of economic activity." In the face of the assertion of the doctrine of natural rights, "the simple system of natural liberty," the state shrank in the social and economic sphere of its action till it was no longer a Leviathan. But the technological changes of the nineteenth and twentieth centuries reversed the earlier direction of the trail and revived the trend toward state intervention in social and economic aspects of communal life. The trend was general; its pace and course varied in different countries.

Are we, then, again saddled by Leviathan? Is there no escape from the penetration of the state into every phase of human activity? Is there no real difference between the totalitarian and the democratic state? Is overall governmental regulation the price we must pay for the modern economy we have created? Is "crisis government" inevitable in time of economic and social stress?

The questions suggest, in M.'s thought, a clue to the reasons why totalitarianism emerges in such periods of disturbance. The democratic way of life, democratic institutions and practices, are "the result of a long series of adaptation to emergent conditions and needs. They were not created, they evolved." Dictatorships, on the other hand, "took their characteristic pattern almost as swiftly as molten metal cools in a mold. . . . They presented a sudden break in the historical process. They were the offspring of war, crisis, revolution." It is in the tempo of changes, rather than their direction or purpose, that the essential difference between the two ways of organizing and conducting the community is signalized.

Just here, M. makes clear how accidental is the identification of political democracy with economic laissez faire. That democratic institutions should have been developed in a period of an expanding industrial order, in which the machine process supplanted hand labor, seemed to many to prove the validity of the identification. But, as he points out, technological change alters the concepts on which the industrial discipline rests—no less than when the doctrine of laissez faire itself was formulated to explain and to justify a particular set of relationships between the state and private economic life. "For purely technological reasons the economic system is utterly inseparable from the political system. To function at all they must function together. In this sense they together form a single system. But no such necessity holds for the relation of the political system to the numerous systems of belief, opinion, creed, style, artistic expression, and cultural endeavor generally, that rise and change, flourish and decline, in the free creative life of modern society. For purely technological reasons only one politico-economic system can prevail in any territory, but nothing except the dogmatic preoccupations of a tyrannous government prevents the simultaneous existence, side by side, of many faiths and the most divergent schools of thought. . . . The civilization in which we live depends on the recognition (of necessity and of liberty), and the separation of each from the other."

It is, then, in the breakdown of an economic system in its capacity to provide the material foundations of security—the opportunity to work and to establish a recognized and respectable function in society for all its members—that totalitarian political ideas and practices emerge. Leviathan is then recreated, at once to achieve these ends and to suppress critical revaluations of the ideas on which the economic order—or disorder—rests. "Dictatorship solves the problem of government by cutting out one half of it. The permanent problem of government is to reconcile fundamental liberties with a fundamental order. Liberties cannot be assured without order, but order can be assured, and often is immediately assured, by the sacrifice of liberties." It is the "total problem of government" which somehow must be solved, not simply the assurance of order or of liberty. It is to an analysis of what the two systems, of democracy and of totalitarianism, have to offer that M. addresses himself in the succeeding chapters.

The analysis throughout is in terms of values. For, as M. points out, "only principles endure." The argument of the totalitarians that democracy, like other forms of political organization, must pass away—because other state forms have withered—is subjected to critical appraisal. It is rather transmutation than decay and death which occurs. If the state is a system of power, then the particular pattern of its structure may, indeed will, change with and in conformity to the conditions of the society in which it

operates. "Every power system is necessarily unstable. . . . Not only power but all institutional forms and specific modes of organizations are socially contrived means to perpetuate certain situations or to provide for certain needs. . . . The situation and the needs are always changing, and, even if they were not, the ingenuity of man would in time devise more efficient institutions." What does change is style.

In terms of values, then, what is the "genius" of dictatorship? At the outset, M. identifies all the totalitarian systems as essentially the same in purpose, techniques, and structure—however they may vary in their professed ideologies. As power systems, their purpose is to maintain power. That intent is conceived in personal rather than political terms. The rulers desire to perpetuate their rule, not the integration of the political community around a value system that embraces some concept of the general welfare.

Within this narrower view of purpose, dictatorships apply a few simple techniques to achieve it. Most important perhaps is the insistence on dogmatic orthodoxy. All value judgments are presented as a choice between those officially recognized and all others. "The alternatives of human thought and action (are reduced) to two polar extremes, the one they themselves espouse and the damnable opposing heresy." "An imposed dichotomy of black and white" is made the basis of political rights and duties. In order to insure the uniformity which the particular dictatorship imposes, the mechanism of the state is converted into a system of power. Its structure is reduced to irresponsible executive power. The hard won distinctions between the organs of popular control and the agencies for converting legislative policy into executive action under the rule of law are wiped out. In order to maintain the new system in power, to perpetuate the rule of the new governors, the state's chief tools are the use of propaganda and raw manifestations of coercion. No free play for ideas is allowed. All political ideas—in fact, their basis in a general understanding of events at home and abroad—are manipulated to the objectives of the group in power. The entire system of formal education is recast to this end. Political ideas at variance with the established orthodoxy are suppressed. Sources and channels of news are controlled to insure that nothing will seep through to the public at large which would alter the prevailing ideology. The regimentation of opinion becomes the chief concern, and the principal tool, of the state. And where it fails, torture and concentration camp offer convenient mechanisms for disposing of dissident individuals and groups.

The structure of the dictatorships, whether of the right or the left, follows similar if not identical patterns. Politically, they are pure executive autocracies; irresponsibility to the popular will—as expressed in and through elective agencies, legislatures, initiative and referendum devices—is made the cardinal principle of organization. Economically, they become no less autocratic; the state directly or indirectly supplants private control and management of industry, finance and commerce. Socially, they develop a feudal pattern; hierarchy, based on theories of "honor" rather than competence, in personal acquaintance with those who have seized power rather than on objective standards of selection, becomes the criterion of preferment, even of security.

A dictatorship is equipped to meet temporary emergencies with vigor, and often with success. Its very existence is evoked by crisis; its techniques and structure offer untrammelled opportunity for quick decision. But its

capacity for action is also its chief defect. The absence of checks on irresponsible authority tends to make the actual execution of policy inflexible. If, as M. believes (as does the reviewer), the essence of a viable community is changed, then rigidity of structure and inflexibility of program inevitably militate against long run authority. The defect in totalitarian politics is its incapacity to adjust to change in circumstance and opinion. The very momentum of executive authority often carries policy beyond the limits of interstitial adjustment within the body politic. Ultimately, the failure to resolve the dilemmas of domestic and social tensions lead toward external "adventures" by which the power group hopes at once to distract attention from difficulties at home and to find a solution for the ills they cannot mend.

Ample illustration is offered here for this appraisal of the inherent inability of a dictatorship to organize humane values (the general welfare) effectively. Propaganda as technique becomes confused with propaganda as gospel—in and for itself. In the long run, it defeats itself: skepticism about all news, when so much is so obviously inspired, becomes general; the idea that the government is always right runs counter to experience in other areas of communal life; indoctrination of the young wears off; the monopoly of propaganda by the government removes it even further from the "fulminating emotions of the masses," from any real contact between the governed and the governors. The efforts to "coordinate culture" by the government, in so far as they are successful, actually dry up at the source the stream of scientific, artistic and literary activity on which cultural advance depends. Instead, there develops a current of uncritical, often romantic, philosophizing about the "spirit" of the totalitarian revolution, in which "the intelligence itself (becomes) the sedulous servant of unreason."

What, then, is the "genius" of democracy? M. rejects many current definitions of democracy—as equal authority for all members of the community, as government of the many, as majority rule, or as mass rule, or even as government through parliamentary institutions. Nor does he take refuge in the easy generalization that it is the spirit and not the form of a government which identifies it as democratic. Rather he finds it in two simple criteria which can be universally applied to differentiate the democratic from the totalitarian state, no matter how similar the pattern of their political institutions or processes. These two he states as follows:

"1. Democracy put into effect the distinction between the state and the community. Among other things this implies the existence of constitutional guarantees and civil rights which the government is not empowered to abrogate.

"2. Democracy depends on the free operation of conflicting opinions. Among other things this implies a system under which any major trend or change of public opinion can constitutionally register itself in the determination both of the composition and of the policies of the government."

It is here that the "positive" attributes of democracy emerge in sharp contrast to dictatorship. As to the first of these criteria, M. conceives of the state, "in so far as it has intelligible meaning or function. . . . (as) an agency of the community it regulates." The people of a nation-state have many activities that are in no sense political. The state may seek to control or suppress one or many of these relations and functions, and even succeed in

doing so. But "they are still there, no longer in the state, the political system, but in the community, the social system."

Democracy, by placing limits on state action, establishes the principle that the community is more inclusive than the state. And it guarantees the recognition of this principle, within the terms of the General Will, through the operation—or the free play—of the second criterion. What lies within the range of the common interest can be ascertained by the expression of all opinions as to the limits of this range. Wherever dissident opinion—as measured by majorities on particular issues—is suppressed, democracy becomes less distinguishible, or indistinguishible, from dictatorship.

In the political sphere, these criteria have been achieved—through a long evolution in political institutions and processes which had come to be accepted widely as axiomatic a quarter century ago. The economic impasse of the post-war world challenged the assumptions of the previous century in the efficacy of democratic government to provide the material security for which all men search and demand. The demand ran counter to the economic tradition of laissez faire. By some, whose interests were at stake, the sphere of government was held not to embrace regulation or control of economic activity to seek ways of satisfying the demand. As we have seen, M. rejects this limitation on the state's function. What has become a generally recognized demand,—generally in the sense of widely accepted—becomes a matter of state concern, to be resolved if possible by political processes through existing institutions of policy-framing and execution.

Thus, he finds the idea of national economic planning and of state action to mitigate, even to eliminate, the incidence of unemployment entirely compatible with democratic government. He finds no solution in easy generalizations about "economic democracy." Management of industry or finance by such political techniques as voting is a contradiction in terms. Control inevitably must rest in the hands of the few who are selected for their competence. Appraisal of their performance (their retirement from control if found wanting), as well as general direction of policy, no less indubitably must be determined by the many—who are the final arbiters of where control shall rest within the community as within the state.

Is there, then, a "final argument for democracy"? M. finds it in its slow, experimental, sometimes (for short periods) unsuccessful, but constant and progressive check upon the irresponsible exercise of power. Here emerges the irreconcilable conflict between the "genius" of dictatorship and of democracy. M. is not concerned with the form of the check; forms change with experiment and practice. Nor is the area within which it is exercised of first importance; in the long run that will be determined by the General Will. But the existence and persistence of checks upon arbitrary action by the state marks a true democracy. We have devised effective checks, in certain areas, for instance, as to freedom of religion, speech, the press. The area of economic irresponsibility is still wide. But it is being constantly narrowed in the democratic states by the will of the people registered through the expression of differences, not identities, in viewpoint, by consent, not coercion. If the process is slow, it is far more certain to achieve something of permanence—and of validity, because it is the product of consent. M. finds in the American experience much to substantiate the democratic way, a government of checks and balances as one benchmark for charting the validity of that way.

Our analysis suggests the incisive quality of the author's thought. The sweep of the argument is not less because of the economy of its expression. The felicity of its style matches well the clarity of its insight and the persuasiveness of its logic.

PHILLIPS BRADLEY (New York).

Jung, Carl G., *The Integration of the Personality.* Farrar and Rinehart. New York. 1939. (313 pp.; $3.00).

Jung's new book consists very largely of a collection of studies which have already been published elsewhere in German. The impression of lack of unity and of repetition with which the reader is left, has a real basis here. In this book Jung has added nothing new to his earlier theories. He remains the advocate of the collective unconscious, of psychic prehistory, as the true human quality.

The studies center on the problem of the formation of personality. According to Jung, the path to it is open only to those who know how to hear the language of those primeval forces within themselves, and who find their true law of life in the conscious interrelation with the forms of the unconscious. Those who allow free play to the archaic forces are doomed, but to pay no heed to the underlying forces (and for Jung this is the type which is symptomatic of the present time) is to stagnate. Primitive man had the correct technique of individuation when, in his esoteric doctrine, he united the collective riches of the unconscious with the capacity for individual adaptation to daily life. The technique of the esoteric is carried on in mythology and in the universal religions. They should be conceived as forms of expression of primeval psychic experience. All of them contain primeval, hidden knowledge and have displayed the secrets of the psyche in magnificent pictures *(imagines).* It seems that the more beautiful and the more comprehensible in intellectual terms the pictures are, the further they are from primeval experience. In the craving of many Europeans for the *imagines* of Asiatic religions, Jung sees an expression of the primeval susceptibility and vitality of religious meaning. If psychology is the youngest of the sciences of experience, it is because, until recently in European cultural history, the Christian formula for psychic things and their meaning was thrust into the foreground—a formula "that is far more beautiful and comprehensive than direct experience." The consciousness of the faithful comprehends the language of symbols. Where this comprehension no longer exists, desolation is threatened. In alchemy, mediaeval man developed a psychic technique almost without realizing it, and made the unconscious forces approachable indirectly. But the alchemists themselves still had no clear knowledge that they were not dealing with chemical experiments but with psychic processes expressed in a pseudo-chemical language. The alchemists undoubtedly searched for the nature of matter. But while they attempted this search, they projected the unconscious into the darkness of matter in order to throw light upon it. To explain the mystery of matter, they projected into it a much greater mystery—a psychic substratum characteristic of them but unknown to themselves. Seen in this way, it is possible to understand one of the alchemists' main dicta: "*obscurum per obscurius, ignotum per ignotius.*" Jung tries to see, in an interpretation of Goethe's *Faust* and Nietzche's *Zarathustra,* the last traces of the alchemist projection.

A considerable portion of the book is occupied by the recounting and

interpretation, handled with Jung's methods, of the dreams of one of Jung's patients. In the dreams he finds the same symbolism which he noticed earlier in a series of cults, and, more recently, in alchemy. But in his interpretation he appears to make extensive use of an arbitrary fantasy. Let us give an example. In the dreams referred to, as in the paintings of another patient, Jung is particularly fascinated by the continually recurring phenomenon of a circle, or the globe, or of some other round object. In earlier writings he was also concerned with the fact and believed he had discovered that the magic circle of the Hindus—the so-called *Mandala*—was the symbol of true psychic wholeness for mankind (compare, for example, the mythological Chinese writing which he edited in collaboration with Richard Wilhelm—*The Secret of the Golden Flower*). "From ancient times the circle or globe has been a symbol of completeness, perfection, and totality. In Plato's *Timaeus* the *anima mundi*, or universal soul is spheric, as are also the hermaphroditic primeval beings of the symposium. The same idea predominates in speculative philosophy throughout the Middle Ages." And he naturally finds the same for alchemy: "The alchemistic idea of the all-round being, the so-called *rotundum*, represents the *materia prima* and its final product, the philosopher's stone." Jung finds this whole symbolism once more in his patient, who still has absolutely no knowledge of the meaning and history of the symbols through the ages. At this point the arbitrary nature of the meanings becomes quite grotesque.

Two characteristics strike one when reading the present book no less than Jung's earlier writings: First, the irrational agnostic attitude. Jung applies a certain amount of conceptual material to the collective unconscious; he describes it as the realm of archetypes, and distinguishes in it specific strata, such as the shadows, the *anima*, and what he calls "the old wise man." But essentially he keeps the impatient reader in suspense with assurances that alchemy, the holy Mass, the esoteric, and everything otherwise sacred and dear to man, is an expression of the unconscious. When there is a really detailed and textually supported comment on specific activity of the alchemists, he solemnly announces the psychological significance of the material but one is still left unsatisfied. One is merely told, once again, that we are confronted with the unconscious and its projections. Secondly one is assured (in a rather pedantic way) of the dangers which swirl around the sphere of the unconscious. In this section one finds the road to Jung's political orientation. The summons to dangerous living has long been notorious. And it is appropriate that one should find, in the opening paragraph of the last chapter, written in 1932, the sentence: "The paean of the Italian nation is addressed to the personality of the Duce, and the dirges of other nations lament the absence of leaders." In the present English edition (it was included in a German edition as early as 1934), he adds the following remark in a footnote: "Since then (that is, since the sentence was originally written) Germany, too, has found its leader."

Shortly before the first World War, Jung split with his erstwhile teacher, Freud. Since that time he has been an enemy of the conscious. But his romantic tendencies were of use to him in preventing him from occupying himself with culture-historical phenomena in as irresponsible a fashion as psycho-analysis did in its naively heroic past. In particular the theory of *imagines* has given the interpreters of art and literature an impetus which makes it possible to conceive of works of art in terms going beyond the pure personality of the artist. Jung himself obviously fell short of his intentions

and (as the present book shows) became simply one of those who flirt with the primitive. The moral pitfalls of this archaic romanticism are now clearly visible in him. It may be too hasty completely to identify romanticism with the prehistory of fascism, or to identify an irrational attitude to reality with the apparatus of fascist brutalization. But Jung nevertheless belongs to that world which extends from cherished fairy tales to those initiation rites to which the pupils of the new German schools for leaders and the members of the youth movement are subject.

Leo Lowenthal (New York).

Boas, Franz, *Race, Language and Culture*. New York 1940. (647 pp.; $5.00)

General Anthropology, edited by Franz Boas, with Contributions by Ruth Benedict, Franz Boas, Ruth Bunzel, Julius E. Lips, Robert H. Lowie, James H. McGregor, N. C. Nelson, Gladys A. Reichard. D. C. Heath Company, New York 1938. (718 pp.; $4.00)

Linton, Ralph, *Acculturation*, Reprinted from Acculturation in Seven American Indian Tribes (chapter 8-10, pp. 463-520) D. Appleton-Century Co., New York 1940.

The publication of Franz Boas' collected essays under the title *Race, Language and Culture* is one of the most gratifying events in the realm of contemporary social science. After the great evolutionists of the 19th century had drawn their bold, but crude, and often oversimplified picture of the world of primitive man, anthropology had to go back to the field in order to check the early conceptions, rejecting them whenever they proved untenable and refining them where they seemed vague or incomplete. The linguistic approach promoted by Professor Boas furnished for the first time a reliable textual basis for a thorough study of the literary, mythological, and religious tradition of primitive groups, providing at the same time important means for the reconstruction of these groups' historical background. Numerous publications by Professor Boas and his followers all over the world, of original texts with attached translations, have raised the literary equipment of modern anthropology to a level never known before.

Although a great pioneer in anthropological linguistics, Professor Boas did not confine himself to pure philology. To him the spoken and the fixed literary tradition indicate a culture, a society as a whole, its past as well as its present. His interpretations of folktales and mythologies in the light of their sociological significance take their place among the most significant contributions ever made by social anthropology. Particularly timely today is Professor Boas' research into the question of races. He acknowledges the racial element wherever it really exists, pointing out both the flexibility of the physiological factors concerned and the absurdity of any sweeping cultural deductions from them. Professor Boas' pioneer conceptions were to a large extent originally presented in special reports or in scientific journals which are difficult of access to the non-anthropological reader and even to the anthropologist. The publication of the above named collection therefore serves the very valuable purpose of making these important contributions available to all social scientists.

The symposium *General Anthropology*, edited by Professor Boas, supplements the picture drawn by the earlier essays of the dean of Amer-

ican anthropology. Here Professor Boas gives his latest conclusions on such subjects as race, language, inventions, literature, music, and dance, mythology and folklore. The experience gleaned from his life-work is set forth in a concluding chapter on methods of research. To the reviewer, several of these treatises, such as that on mythology and folklore, must be considered classic. The methodological chapter touches upon a vast field of questions, some of which would seem to be solved in full by Professor Boas, whereas others require further study and consideration. A group of Professor Boas' students and colleagues have treated special topics, e.g., N. C. Nelson ("Prehistoric Archaeology," an excellent outline of the present position of this important branch of history and anthropology), Ruth Benedict ("Religion," another very mature and significant contribution), J. E. Lips ("Government," particularly interesting because of its socio-economic conception). The sections on economics proper, written by R. H. Lowie ("Subsistence") and Ruth Bunzel ("The Economic Organization of Primitive Peoples"), and the chapter on "Social Life" by G. A. Reichard, indicate strikingly that the phenomena involved cannot be discussed satisfactorily without a clarification of the basic categories upon which they rest. This also holds true for the section on primitive art by Dr. Bunzel which shows an unusual knowledge of technical and aesthetic data. But in contradistinction to Professor Boas' treatment of literature and mythology and Dr. Benedict's analysis of religion, Dr. Bunzel does not conceive of art as of an integral part of an entire society or "cultural pattern" (R. Benedict). The reader, therefore, wonders if *social* anthropology has no more sociological answer to offer.

Attempts to discover new solutions to the many unsolved problems of anthropology have recently led to a revival of the study of development (Thurnwald's neo-evolutionism) and to an intensified investigation of the basic mechanisms of social life and social changes. Characteristic of these new theoretical efforts are the publications of Ralph Linton. His *Study of Man*, 1936, emphasizing "the problems which are perceived but still unsolved," presents anthropology as a young science, "still somewhat unsure of its objectives . . ." and inadequate in its current techniques (l.c. pp. VII ff.). Such an attitude proves highly useful in checking the feeling of dogmatic complacency which everywhere tends to endanger the independent development of scientific research. The volume, *Acculturation in Seven American Indian Tribes*, contains two chapters by R. Linton on the relation of acculturation to cultural change in general and to cultural transfer in particular. Another chapter is concerned with the distinctive aspects of acculturation itself. Social historians have not infrequently underestimated the rôle which the theory of diffusion has recently played in some branches of anthropology and cultural history. Dr. Linton's new study offers a highly refined solution of this complex problem, a solution achieved by a careful investigation of the different objective and subjective factors involved. Linton's analysis presents a qualified explanation of what Lowie calls "selective" diffusion. It discloses how and why certain cultural elements are apt to be transferred easily, whereas others—which touch vital institutions, vested interests, and established forms of privilege and prestige—receive a very different treatment.

Karl August Wittfogel (New York).

Technological Trends and National Policy. National Resources Committee. U. S. Government Printing Office. Washington, D. C. 1937 (X and 388 pp; $1.00)

Consumer Incomes in the United States. Their Distribution in 1935-6. National Resources Committee. U. S. Government Printing Office. Washington, D. C. 1938. (V and 104 pp; $0.30)

Leven, Maurice, *The Income Structure of the United States*. The Brookings Institution. Washington, D. C. 1938 (X and 177 pp; $1.50)

Studies in Income and Wealth. By the Conference on Research in National Income and Wealth. 3 vols. National Bureau of Economic Research, New York, Macmillan and Co., London 1937-39. (XVIII and 348 pp; XII and 331 pp; XXIII and 479 pp; $2.50, $3.00, $3.50 together $7.50)

Means, Gardiner C., *Patterns of Resources Use. Submitted by the Industrial Committee to the National Resources Committee*. U. S. Government Printing Office. Washington, D. C. 1939 (V and 149 pp; $3.50)

Means, Gardiner C., *The Structure of the American Economy*. Part I: *Basic Characteristics*. National Resources Committee. U. S. Government Printing Office. Washington, D. C. 1939. (VII and 395 pp; $1.00)

Does Distribution Cost Too Much? Factual findings by Paul W. Stewart and J. Frederic Dewhurst with the assistance of Louise Field. A program for action by the Committee on Distribution of the Twentieth Century Fund. New York 1939. (XVII and 403 pp; $3.50)

Ezekiel, Mordecai, J. B., *Jobs for All*. Alfred A. Knopf. New York 1939. (XIII and 299 pp; $2.00)

Kuznets, Simon, *Commodity Flow and Capital Formation*. vol. I, National Bureau of Economic Research. New York 1938. (IX and 505 pp; $5.00)

Fabricant, Solomon, *Capital Consumption and Adjustment*, National Bureau of Economic Research. New York 1938. (XX and 271 pp; $2.75)

Bliss, Charles A., *The Structure of Manufacturing Production*. National Bureau of Economic Research, New York 1938. (XVII and 231 pp; $2.50)

Conference Board Studies in Enterprise and Social Progress. National Industrial Conference Board. Division of Industrial Economics. New York 1939. (XVI and 327 pp; $5.00)

The inability of private enterprise to overcome, by the use of the traditional methods, the depression brought about by the crisis of 1929, forced the U. S. A. Government to interfere in most sections of the economic process.

The lack of dependable data for constructing a program of economic policy led to an intensification of research into the structure of the American economy. Among the most outstanding studies were those published in 1934 and 1935 by the Brookings Institute, on America's capacity to produce and to consume, and on the formation of capital. In these studies, an attempt had been made to deal with decisive economic problems from the viewpoint of the whole economy.

The studies of the National Resources Committee (N. R. C.), published during the last few years, are based on a rich variety of materials as is accessible only to a Government committee vested with a far-reaching authority. The present results, incomplete as they may be, afford an insight not hitherto attained into the structure and trends of the American economy. The report on *Technological Trends and National Policy* discusses, in three parts, the problems of technological progress. Part I deals with important social aspects, such as the resistance to the application of new inventions (Bernhard J. Stern), and technological unemployment (David Weintraub). Part II gives a summary treatment of the relations between science and technology, while Part III describes the state and trend of technological progress in the decisive branches of industry. The report on future technological trends is based upon the assumption that there is normally an interval of about 30 years between the beginnings of an invention and its social effects. If serious disturbances and technological unemployment are to be avoided, we must now initiate measures to mitigate and harmonize the probable consequences of such inventions as the mechanical cotton-picker, tray agriculture, pre-fabrication of houses, liquefying coal, etc. For the better coordination of these measures, the creation of a permanent central planning office is recommended.

The need for State intervention becomes obvious if one compares the situation at the time of the introduction of the power-loom in England during the 1820's, with the situation that would arise if the mechanical cotton-picker were to be generally applied. The setting free of the weavers by the power-loom was bound up with poverty and starvation for countless people throughout the world. Yet at that time there was a chance for many of them to find employment in the rapidly expanding economy of the 19th century. The mechanical cotton-picker picks about as much as do 40 hand-pickers. What is to become of the 75% of the labor force in the Southern cotton country that would be displaced by the machine as soon as a few further improvements have been achieved? It is possible that a small number of them will find jobs as tractor-drivers and in repair stations, and that some others will be members of the families of those who have found new and better-paid employment. But what is to become of the displaced people who are first going to increase the existing mass of unemployment? Cotton is already so cheap that the general introduction of the mechanical picker can hardly bring about a significant reduction in the prices of the finished product. Consequently, no substantial share of the purchasing power now available for textiles can be transformed into new demand. No "compensation" on a large scale can be expected. Here, as in many other instances, we shall have a situation that can be mastered only by the State and by means of public works.

The report of the N. R. C. on *Consumer Incomes in the United States* from July 1935 to June 1936, provides the first authoritative presentation

of the distribution of incomes in the U. S. A. In addition to the income tax material, it is also based on the questionnaires of 300,000 families extending over the whole U. S., and on a small sample of persons living outside of families. Of the 29.4 million American families, 97.3% had less than 5000 dollars income a year (per family) during the period of the report. The total number of families and of persons living outside of families, together comprises 39 million consumer units. This figure is divided into three income groups: the lower third with a yearly income up to 780 dollars; the middle third with an income from 780 dollars up to 1450 dollars; and the upper third with an income above 1450 dollars. (All income groups refer not to income per capita, but per consumer unit: a family with many children counts as one unit only, and the pooled income of several members of the same family living in one household is likewise considered as one income unit.) During the comparatively favorable year of the report, about 15% of the 29.4 million families were receiving public relief, either in the form of direct relief or of work relief, for at least one period during that year.

The report is a striking illustration of the thesis that in the richest country in the world there is scarcity in the midst of plenty, despite a hitherto unheard of capacity to produce. The opponents of the Government maintain that this peculiar situation is the result of too much Government interference. But the real cause lies much deeper. We have reached the stage when the customary market economy no longer operates effectively and when the scattered attempts to reorganize the system have not yet begun to work.

Shortly before the publication of the N. R. C. report, the Brookings Institute issued a small book on the *Income Structure of the United States* in the years of 1929-37, a by-product of the above-mentioned larger investigations. As it describes the income movement over a period of 8 years and contains material not included in the N. R. C. report, it is a valuable supplement to that report. The estimates in the two studies have been computed by different methods and are therefore comparable only with certain reservations and after some corrections.

While those two studies are primarily statistical in character, the *Studies on Income and Wealth* published in 1937-39 by the National Bureau of Economic Research represent an attempt at cooperative research in fundamental problems of economic methodology. Each individual study has an appendix containing an intensive discussion by other experts of its results and methods. Volumes I and II deal with the concepts of national wealth and income as a whole, as well as with the different methods of their computation. Volume III discusses the questions which arise when dissecting the methodological and statistical concepts into their components. The previous attempts at the conceptual and statistical clarification of words hitherto used both frequently and vaguely, have been analysed with the utmost care. The aim of the studies is to create "efficient tools for economic analysis and social planning" by a thorough clarification of concepts and by comprehensive empirical investigation.

The study of *Patterns of Resources Use*, carried out under the direction of Gardiner C. Means, attempts to construct models describing the conditions for the exploitation of all existing resources. The relations between full employment, the volume of production, and consumer income are demon-

strated statistically for the American economy as a whole as well as for its branches. In contrast to technocratic calculations, this study does not base its computations on the most advanced technical possibilities but starts from the given production capacities and the trends which have become visible in the past two decades. The authors realize, of course, that their starting point forces them to construct such models as include productivity losses deriving from "the failure to use the best available techniques, from the duplication of effort, and from competitive wastes." Despite uninterrupted changes occurring within all branches of the economic process, such computations can be made because there are relatively constant relations within and between the separate branches of the economy on the one hand, and the national income on the other. These relations exist not only between raw materials and finished products, but also between "such apparently unrelated items as shoe production and automobile production or between shoe sales, passenger traffic on the railroads, gasoline consumption and school attendance."

With the help of ingenious formulae which were computed for each of the important segments of the American economy, series of figures were compiled for the years 1920-37. Each of these formulae expresses a definite economic quantity as a function of other quantities. Thus (to give only a few examples) the consumption of telephone calls, automobile transportation, dairy products, tobacco, etc. is expressed as a function of the consumer income and of a time trend varying with each commodity. A comparison, documented in all details, between the computed figures and the empirical statistics, leads to the striking result that more than 4/5 of the computed curves correspond with those found empirically. Even during the last 5 years, for which period the preceding trend was extrapolated without recourse to any empirical material, 82 of 138 analyses show less than 5% deviation from the actual statistics. The computations must, however, fail in all cases where structural changes occurred, such as the number of persons employed in the civil service or in the banks after 1932. After functional dependencies within and between 81 segments have been established statistically, an attempt is made to construct models for a particular relation: how large would be employment and consumption for each segment in six different cases of national consumer incomes between 50-100 billion dollars a year? It is found that with a yearly consumer income of 88 billion dollars (purchasing power of 1936) unemployment would practically disappear. (As a comparison it may be noted that the figure of 88 billion dollars is about 30% above the figure actually reached in 1937). The individual figures within the "models" deserve careful study. Thus, with a consumer income of 100 billion dollars, the number of persons employed by the Federal Government and in agriculture is given as being not larger than with a consumer income of 50 billion dollars, while employment in commerce and industry increases in about the same proportion as the income. It must be left for more detailed investigations to judge the extent to which the N. R. C. succeeded in overcoming the immense obstacles in the way of such computations. The present results, however, show the great steps made in the direction of a planned economy since the publication of Ballod's "*Zukunftsstaat.*"

The investigations of the N. R. C. culminate in the report on the *Structure of the American Economy*, published in the summer of 1939.

The Committee calls it "the first major attempt to show the inter-relation of the economic forces which determine the use of our national resources."

The reason why such an attempt was not made until now is clear if one realizes that a knowledge of the structure becomes indispensable as soon as an organism or a machine no longer functions properly. To drive an automobile, it is said, one need only know how to handle the operating controls, but as soon as there are any disturbances, one must have a knowledge of the construction in order to make the necessary adjustments. The same holds true of a national economy: as long as it continues to function, the knowledge of its structure is of secondary importance. But now, it is said, it is necessary to make far-reaching adjustments and therefore one can no longer manage without an accurate knowledge of the structure.

Today the decisive problem of national economic policy is how to use all existing resources as completely and efficiently as possible, while preserving a maximum of the traditional political values. These values are said to be in serious danger if the first requirement is not fulfilled. How far reality is lagging behind the goal is demonstrated by a computation of the amount of waste from 1930 to 1937. Assuming that during that period all existing means of production and all available labor power, with the exception of 2 million unemployed, had been in full operation, the social product would have been larger by 200 billion dollars in commodities and services (expressed in the purchasing power of 1929) than it actually was. In other words, the loss of potential real income attributed to the unemployment of men and machines during the last depression is calculated as being equal to five times the cost of construction of the entire railroad system of the United States. This is the comparative figure given by the N. R. C. The figure of 200 billion dollars becomes even more impressive if one realizes that it is about twice the amount of all capital goods (plant and equipment = 105 billion dollars) invested in American industry by 1935, including mining, railroads, and other utilities.

The report considers the structure of the American economy under three main headings: the structure of needs and resources; the geographic, functional, and financial structure of production; and, finally, the organization of economic activity. The most impressive material is contained in Chapter III. A characteristic feature is its skepticism regarding the market as the organizer of the economy. "In theory it is possible to show that, under certain conditions, the market mechanism might, by itself, have sufficient organizing influence to produce effective use of resources. In the case of a great many commodities, however, free markets do not and usually cannot exist, and the market mechanism acts only crudely, slowly, and not too effectively in bringing basic organization into the use of resources. Administrative coordination has become of increasing importance as an organizing influence. A century ago, when business enterprises were small and government activity was relatively less important, the market played a major coordinating role. But during the past hundred years great segments in the organization of economic activity have gradually but steadily been shifted from the market place to administrative coordination." This chapter deals in great detail with the centralization and concentration of American industry, with price control by the large corporations, and with the structure of control over production and the market which is exercised by relatively few groups. Among the results it may be mentioned that in

1932 the 200 largest non-financial corporations controlled about one fifth of the national wealth, about one half of the nation's industry and about 60% of the assets of all non-financial companies. More than 45% of all real estate, buildings, and machinery which had been invested in industry, were owned by the 75 largest industrial concerns. It is particularly noteworthy that during the depression the share of the 200 largest non-financial corporations in the assets of all non-financial companies increased from 58% to 64.2%. Small enterprises are mainly found in the retail trade, the service industries and the building trade. The report goes on to show that next to the large enterprises there were still other forces which more and more reduced the importance of the market in the economic process, namely the large pressure groups (business, workers, farmers, consumers) and, finally, the Government itself.

An important supplement to this report is a study by the Twentieth Century Fund, intended to give an accurate picture of the distribution system in the United States and to make suggestions for improvement. The question raised in the title, *Does Distribution Cost Too Much?*, is answered in the affirmative. By how much the costs of distribution are too high is hard to express in figures. Yet what can be proved is that there is waste in countless segments of the process of distribution. The tendency to increase the share of distribution costs in the sales-price is characteristic of the present phase of capitalism. Though, if looked at from the viewpoint of the economy as a whole, it means an increase of unproductive expenditures, this process has provided for the employment of part of the labor power set free by the machine. Assuming the figures for 1870 to be 100, the population increase by 1930 was 318 and the increase of persons employed in production was 287, while in the same six decades the number of those employed in distribution had grown to 877. In the last decade this discrepancy has become even more acute. The distribution apparatus has grown further while the absolute number of persons employed in agricultural and, recently, in industrial production, is decreasing. Another example of the size of unproductive expenditures is given by examining the share of distribution costs in the expenditures of the "ultimate" purchaser. In 1929, 65.5 billion dollars were paid for finished goods (industrial and agricultural). Of this amount about 59% represents distribution costs and only 41% production costs. That is, it costs about 50% more to distribute the goods than to produce them. Of the distribution costs only about one fourth is on account of transportation. The long list of causes which the study of the 20th Century Fund presents in order to explain this situation, expressly omits the profits of the distribution agents. Not they, but the institution and methods of free competition cause most of the unproductive expenditures. This study confirms that the more modern methods of distribution which are subject to limited competition, generally operate much more cheaply than their obsolete predecessors. Appended to this work is a very impressive graphic demonstration of the flow of goods. The graph is proof of the enormous progress made in the construction of a *tableau économique* with the aid of statistics and methods available today.

An attempt to meet the problem toward the solution of which the studies of the N. R. C. were intended to contribute, has been made by M. Ezekiel, chief economic advisor of the Department of Agriculture. His book, *Jobs for All*, aims at providing work for everyone without changing

the foundations of the present order. He calls his program industrial expansion and defines it as a planned expansion of industrial production until full employment is reached. The complete plan is to be worked out on the basis of individual plans which would be constructed by the key industries. The central planning office would be constituted of representatives of the labor unions, the management, the consumers, and the Government. The coordination of the individual plans in a complete plan would provide for the marketability of the large majority of all products. A guarantee by the Government to take over, at a small price reduction, the unsold part of the expansion program, should limit the risks of the entrepreneur to such an extent that he would cooperate in the expansion plan without being forced to do so by law. Full use of capacity, and thereby smaller costs per unit, would make it possible to lower the prices and to increase both the yearly income of the workers and the profits. To implement this plan would require extensive preparation, lasting many years, possibly a decade or even longer. Once put in operation, however, this program would soon increase the national income to those 100 billion dollars which correspond to the full employment of all the existing factors of production. Overproduction would be impossible for a long time in view of the low (i.e. low, compared with what it might be) standard of living of two thirds of the population. The danger of technological unemployment could be decreased by a corresponding shortening of the workday and by an extension of compulsory education. By means of a flexible system of quotas the advantages of competition could be preserved in some industries. Other industries would for some time to come not partake in the expansion program at all, and competition would be the sole regulator there. The author maintains with great emphasis that his program is not socialistic, and that it is rather superior to both a bureaucratic socialism and a planless capitalism. The task of the book, which is to remove the intolerable waste of the present system without giving up even part of its foundations, makes the author quite uncritical of his own contradictions.

Important studies preparatory to the investigations of the N. R. C. have been made by others, especially by the National Bureau of Economic Research. One of its recent publications, the book by S. Kuznets on *Commodity Flow and Capital Formation*, deals with a field fundamental for the knowledge of the economic structure. The process of the circulation of capital, which Marx, 80 years ago, attempted to analyze theoretically in the studies that provided the material for the second volume of *Das Kapital*, is described in Kuznets' book by means of an immense statistical apparatus. Marx' sections I and II reappear in the division of consumers' goods and producers' goods, the former again being sub-divided into perishable, semi-durable, and durable etc. But while Marx was concerned with demonstrating certain correlations, Kuznets attempts to describe the empirical processes with all the available material and with the most modern statistical methods. He is thus frequently forced to make use of somewhat arbitrary estimates. In the first result he arrives at a presentation of the relations between gross social product, national income, consumption, replacement of equipment, and formation of capital.

S. Fabricant regards his own book on *Capital Consumption* as an appendix to Kuznets' study. Fabricant uses great ingenuity in developing methods for the computation of three factors, two of which determine the

third: gross capital formation minus net capital formation equals capital consumption. The investigation is limited to the measurement of the consumption and adjustment of fixed capital. In 1929, 60% of the production of durable goods was used for replacing fixed capital. A list of the main difficulties which had to be overcome in this study gives an idea of the scope and limitations of the work. Fabricant mentions the following: difference between "economic" and "physical" life of plant and equipment; allocation of the consumption of durable capital goods to arbitrary time units; problem of price changes; adjustment of accounting methods as practiced by business and required by law, to the concepts of this investigation; significance of "maintenance" and "repair" expenses, etc.

The National Bureau of Economic Research has also published a study by Charles A. Bliss, on the *Structure of Manufacturing Production.* Bliss attempts to calculate the proportions in which the existing resources were used in 1929 in the field of industrial production. The division into groups is the same as in the other studies of the National Bureau. Bliss, too, had to overcome the manifold difficulties arising from the fact that his statistical material was computed from different viewpoints. Among the results it is particularly characteristic that about one tenth of all employed persons and one tenth of all capital invested in the whole of industry in 1929 were employed in the automobile industry. Bliss points out that a series of comparable studies of the structure of industry, undertaken over a period of years, would greatly enrich our knowledge of the business cycle and thereby also of the more adequate use of existing resources.

The writings reviewed above are essentially the works of "technicians" who are interested in the most rational application of all resources and are prepared to make far-reaching adjustments in the present economy in order to reach their aim. The large reference work of the National Industrial Conference Board suggests even in its title, *Enterprise and Social Progress*, that only the preservation of the traditional economic system can guarantee an optimum of social progress. This propagandistic attitude does not manifest itself in less reliable statistics. It is apparent, however, in the distribution of light and shade. All achievements are attributed to the system of free enterprise while all the negative factors are both minimized and ascribed to outside interference. The work is an important supplement to the official statistics, and the editors rightly call it the largest collection of systematic information on American private enterprise.

The studies reviewed here afford a methodologically and materially impressive picture of the comprehensive scientific preparation that would be at the disposal of a strictly "State-capitalistic" economic policy in the United States.

Frederick Pollock (New York).

Ayres, L. P., *Turning Points in Business Cycles.* The Macmillan Company. New York 1939. (214 pp; $2.75)

The author's investigation is deliberately empirical. He does not construct a theory of the business cycle, the assertions and results of which would then be compared with reality, and in which statistics would be merely auxiliary. Instead, he tends to impute to statistics the rôle of a decisive source of proof. From statistical tables and diagrams covering a

period of 109 years, and representing changes of five factors assumed to be characteristic of the course of the cycle (business activity, interest rates, bond and stock prices, capital issues), he attempts to read off a theory of economic crises as one reads off the time from the position of the hands on a clock. By using a purely statistical method, he hopes to find the regulating principle that is responsible for the decisive turning points in the course of the economic process, from depression to prosperity and back to depression. The main inadequacy of the book is clear: it will never be possible to explain a casual *propter hoc* by an empirical *post hoc*. Ayres pursues his program with great faithfulness. In the first seven chapters he gives a graphic presentation of the individual histories of 26 cycles in the period from 1831 to 1939. He does this in order to show, in chapter 8, on that historical basis, the course of a "typical cycle." In chapters 10 to 12, he examines and rejects consumers' purchasing power theory, the pump-priming recovery theory, and, finally, the purely monetary theories of the cycle, not because of any theoretical inadequacy, but because they do not agree with the empirical data obtained by him. In direct contrast to this criticism, the author arrives at his main conclusion that the real cause of the long series of crises in the United States has been the specific structure of the monetary mechanism in operation here, particularly the regulation of credit expansion by the bank reserves. Ayres starts with the fact "that in our highly industrialized economy the cyclical fluctuations in the production of *durable* goods are much more regular and of greater amplitude than are fluctuations in the production of *non-durable* goods." But he is unable to trace these fluctuations to non-monetary causes. In the last analysis he derives the fluctuations from the structure of an automatic mechanism which periodically produces the upward and downward movement of bond and stock prices. The expansions and contractions of the flow of new capital in the production of durable capital are a result of sales of new issues, when "market conditions" have become favorable or unfavorable for floating new issues. This mechanism has broken down in recent years, and ceased to function. It has been replaced by government regulations, on which the course of the cycle now depends.

The novel feature of this study is the detailed and clear description of a typical "normal" cycle of three and a third years (40 months), of which about 27 months is taken by the upward movement and 13 by the downward movement. Both movements are dissected into more detailed, precise time phases. The author underestimates the whole problem. "The difficulties," he says, "involved in locating turning points of business cycles . . . are rather matters of the inadequacy of the available statistics than of the complexities of the process." When the rate of interest is low, the bond and stock markets are high, and there is a "favorable market" for new issues, new capital is invested in industry, and the volume of production increases. But the primary causes of all these movements are not shown and cannot be shown with the help of purely statistical methods. Moreover, if the intensity and duration of prosperity is solely dependent upon the extent of the increase of capital, as Ayres maintains, how is the "saturation" of enterprises possible and explainable? How, too, can we explain the fact that the increase of capital is excessive, so that part of it remains "idle"? The author himself shows that this already happened in the so-called "rich man's panic" of 1903. It is impossible to educe the true relationships

on the basis of monetary theories of crises and with purely descriptive, statistical methods. The favorable or unfavorable market for securities, and the consequent increase and useability of capital are evidently not dependent upon the structure of the monetary mechanism but on the fluctuating prospects of the profitability of industry. But Ayres does not tell us what causes these fluctuations.

HENRYK GROSSMAN (New York).

Beals, Carleton, *The Coming Struggle for Latin America,* J. B. Lippincott Company, New York 1938. (401 pp.; $3.00)

Aikman, Duncan, *The All-American Front,* Doubleday, Doran & Company, Inc., New York 1940. (344 pp.; $3.00)

Carr, Katherine, *South American Primer,* Reynal & Hitchcock, New York 1939. (208 pp.; $1.75)

Three different kinds of approach are discernible among books on Latin America. The first is a mere journalistic treatment of the problem. The second is an attempt to evaluate the economic and historical background but is marred by a misunderstanding of the dominant forces in Latin American society, the manifestations of which are taken seriously at their face value without distinguishing between ideology and demagogy on the one hand and cold blooded political and business strategy on the other. The third is realistic research which is not subject to exaggeration and which takes into account the critical evaluation of available data.

Carleton Beals' fascinating book is typical of the first kind of approach. Beals' aim is to show how Latin America is about to become the next object of fascist expansion, how Japanese, German, Italian and (Franco-) Spanish influence—in some cases even domination—is growing, how the British and American interests are trying to hold their positions or to gain new ones, how the Good Neighbor policy is understood—and sometimes distrusted—by the Latin American peoples and what should be done in order not to alienate the newly acquired friendly feelings towards the United States. He describes the possibilities of a joint defense of the Western Hemisphere against "totalitarian" interference and outlines the mistakes American "Dollar-Diplomacy" is said to have made. He underlines his warnings with a wealth of material which certainly is not to be found in official reports, and which usually has not even been published in the American press.

However, this reviewer confesses his surprise at learning that in recent years Argentina has had a totalitarian régime under President Ortiz (320), with imperialistic aims (316), almost on the point of invading Brazil (321), and must confess that he was entirely unaware of these sinister facts. It is generally admitted, even by the Conservative Argentine press, that the election of Ortiz was a manipulated one. But fraudulent elections are typical of Latin American history, and even a very fraudulent election does not by itself necessarily mean a totalitarian régime. One of the chief features of such a régime would be the suppression of civil liberties, especially of the freedom of the press, but it is evident from the Argentine newspapers that this is not the case in Argentina. Nor should one take seriously the rumours of Argentina's imperialist aims toward Brazil. It is true that there was formerly a certain amount of jealousy between Argentina and Brazil, but

relations have never been better than they now are between the Ortiz and Vargas administrations.

There are also many minor points which suffer from lack of adequate care. Many of the names are misspelled and some statements are confused. Thus, the former ruling coalition in Argentina was the "Concordancia," not the "Concordia" (319), the fascist ex-governor of Buenos Aires Province was Fresco, not Fresno (103, 154). The Argentine system of exchange control was not initiated by Ortiz (321) but many years before him, by Hueyo, Minister of Finance under General Justo. The huge operation of the refunding of the national debt and the establishment of the new governmental Central Bank (321) was not the work of Ortiz, but was conceived and carried out by his predecessor, Minister of Finance Pinedo, under General Justo. The "buy from them who buy from us" policy (321) was also not originated by Ortiz, but is to be ascribed to Pinedo and to his able Central Bank manager, Raúl Prebisch. In spite of these shortcomings Mr. Beals gives the reader a vivid impression of Latin-American problems.

Duncan Aikman's study comes under the second category of books on Latin America. His facts are more carefully selected and he distinguishes between gossip and reliable information. But although he does not deny the influence of economic factors upon Latin American politics, he uses an approach which could perhaps best be termed historical romanticism. For Aikman, Latin American politics are not so much to be explained as the result of competition between German, Italian, British and American vested interests, but rather in such terms as "national dignity," "prestige" and "yearning for dominance." This yearning for dominance is for him "a primary stimulus . . . an explanation for practically the whole range of Latin American social action" (89). Significant of his approach is the explanation he offers for the changes in the customs and exchange regulations which Argentina decreed a week after the Lima conference of 1938, and which drastically curtailed imports from the United States. According to him these measures were not so much caused by Argentina's precarious exchange situation, but by the fact that Argentina's delegates at Lima had to yield too much to Secretary Hull's wishes in the shaping of the final "Declaration of Lima." That, says Aikman, "was a Yankee triumph, and to a republic proud of never yielding to Washington on issues, painfully compromising. Such a stain could be wiped out only by an equal and opposite anti-United States counterstroke. So the politicians in Buenos Aires, totaling up their list of other grievances, did a little consciously dramatic timing. Within a week the counterstroke came." Thus, Aikman thinks, "Argentina had thrown off the stigma of the Lima concession and proved once more that she was free from the imperialistic influence of the northern colossus" (125). That is the romantic approach. Aikman should have made a closer examination of the Argentine exchange and import situation of that time, as well as of the status of the trade-treaty negotiations, and he would have found that the curtailing of imports to be paid for with "free market" exchange was at that time unavoidable and had nothing at all to do with the supposed moral defeat at Lima, in which nobody in Argentina was in any case interested.

Aikman fails to see that what he generally deems to be the real cause of actions in Latin American politics is very often nothing but the camouflage of a clash between foreign vested interests. Aikman has a wrong

conception of German and Italian fascism. For him it was "intense national hatreds and war fears which have led great nations to fly off into dictator worship as a refuge from greater terrors . . . the overcrowding of people which leads to the desperate tensions of hate for 'living room's' sake" (210), whereas fascism can be better explained in sober, unromantic terms of the inability of the previous political setup to deal with the growing class antagonism. For someone who is unable to understand fascism in any other way but with the use of such ideological slogans as hatred, fear and jealousy, Latin American politics may really look like "touchy nationalisms . . . (which) will flare into tantrums of patriotic jealousy" (167).

On the other hand, Aikman may be commended for his serious endeavour not to exaggerate in his description of characteristic details of Latin American politics. For Argentina, for example, he recognizes that, even under Ortiz' régime, "the press is undoubtedly free, except in grave—and usually brief—periods of disturbances. Furious political activities against the government are permitted" (194), and one may agree with him when he describes the situation of Argentina as "a modified democracy, flavored with a Chinaman's chance for overwhelming opposition majorities" (194).

The third kind of approach to Latin American problems is best represented by Katherine Carr's little book. She "wanted a book that would tell what . . . the ten South American nations . . . were like. I wanted to know about the South American people, and the way they lived, and why they lived that way." After a short but accurate historical introduction dealing with the fate of South America from its discovery through the Spanish Viceroys to the present day republics and their governments, the book gives the principal facts about each of the constituent countries, without bias and without overlooking the rôle the foreign vested interests and their native henchmen used to play. The author correctly shows how the ruling large landowners, sometimes against, but generally hand in glove with the foreign interests, exert their influence upon the governments; how they prefer to rule democratically, as long as their preponderance is not endangered; and how and why they resort to military dictatorships, whenever they feel that (their) "law and order" would be jeopardized by permitting really free elections.

F. Weil (Buenos Aires).

Publications of the Institute of Social Research,
Morningside Heights, New York, N. Y.

Punishment and Social Structure

by

GEORGE RUSCHE and OTTO KIRCHHEIMER

With a Foreword by THORSTEN SELLIN

XIV and 268 pages. $3.00

From Reviews:

Harvard Law Review: When this reviewer asked a Law School professor—one of the best known research criminologists—what he thought of Punishment and Social Structure, the answer was, in effect: "Good, but nothing particularly new . . ." To me who has spent the last ten years in prison administration and whose excursions into the fields of social philosophy and abstract criminology are infrequent and groping, this work of two German scholars, published by the Institute of Social Research, seems both new and good . . . It is one that contains grist for the largest sociological mill but it is of especial interest to the penal administrator.

(AUSTIN H. MACCORMICK, *Executive Director The Osborne Association*)

The American Historical Review: The authors have rendered a very great service in relating the changes in these fields of thought and action to the social environment. They give us our first clear picture of how changing social and economic systems have fundamentally altered the ways of thinking and acting in relation to crime and criminals. In this way the book will be an invaluable supplement to existing literature on the history of crime and punishment. The lesson the authors draw for the future of criminal law and prison reform is clear and logical.

(HARRY ELMER BARNES)

The Annals: There is no lack of books on the sociology of crime. This volume goes a different way. It tries to show that specific methods of punishment are dependent upon specific developments of the whole economic process. It is eager to prove that changes in the interplay of productive forces tend to introduce or to reject certain penalties. I am very fond of the whole idea and in the way in which the authors have treated their subject . . . This book, however, contributes a new and neglected element to our knowledge and will be read with considerable benefit.

(HANS VON HENTIG, *University of Colorado*)

Herald Tribune: The first of the new American series of publications by the Institute of Social Research (affiliated with Columbia University), this book sets a high standard in scholarship and good writing. "Punishment and Social Structure" is a real contribution to the literature of penology, which will be of advantage to all who are interested in the field of crime and punishment. (JAY BECK)

The Survey: Sober, sound and splendidly documented, "Punishment and Social Structure" may well upset traditional penal concepts just as Beard's classic "Economic Interpretation of the Constitution" helped explode some hoary myths about the Founding Fathers . . . Altogether, Drs. Rusche and Kirchheimer probe deeply and diligently into the problem of motivation, often coming up with facts that should give conservative penologists pause. Thorsten Sellin supplies a brief but acute introduction.

(SAMUEL G. KLING)

NEW YORK, 1939
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Morningside Heights, New York, N. Y.

THE UNEMPLOYED MAN AND HIS FAMILY

The Effect of Unemployment upon the Status of the Man Within the Family

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Introduction by PAUL F. LAZARSFELD

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